

B.1.b. Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking (SMDVS)

(prior 8/14/202)

Effective September 9, 2019. The policies, procedures and information outlined herein supersede all previous Middlebury policies, procedures and information on the same topics.

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1. Introduction

Middlebury College (“Middlebury”) is committed to providing a campus and workplace environment that is safe and secure for all students, staff, faculty and others who participate in Middlebury’s programs. Sexual misconduct (including sexual assault), domestic and dating violence and misconduct, stalking, and related retaliation, as defined by this policy (henceforth referred to as the "SMDVS Policy"), are strictly prohibited. Middlebury will take reasonable, prompt and appropriate action to respond to sexual misconduct (including sexual assault), domestic and dating violence and misconduct, stalking and related retaliation where such conduct impacts or has the potential to impact the Middlebury program-based educational, residential, or employment environment of any member of the Middlebury community. Such

action could include discipline for employees such as written reprimands, salary freezes (faculty) or termination of employment, or discipline for students such as probationary status, a letter of official discipline, suspension or expulsion from any or all programs in which the student is enrolled or participating. It could also entail non-disciplinary measures such as No Contact Orders and/or No Trespass Orders, training, and providing safety and support services to complainants and affected parties, as appropriate. Factors to be considered in determining sanctions are listed in [Section 10 \(H\)](#), below. Information about on-campus and off-campus support services (i.e., counseling, health, victim advocacy, legal assistance and other related services) is provided in [Appendix C](#), below.

Except as otherwise specified herein, this policy applies to faculty, staff and students, as well as to others who participate in Middlebury's programs and activities (see [Section 2, Definitions: Covered Third Parties](#), below), including the undergraduate college, the Language Schools, the School of the Environment, MiddCore, Bread Loaf School of English, Bread Loaf Writers' Conference, Middlebury College Schools Abroad, the Middlebury Institute of International Studies at Monterey ("the Institute"), and all other Middlebury on- or off-campus programs.

The procedures for addressing complaints or reports of sexual misconduct, domestic or dating violence or misconduct, stalking and related retaliation are set forth below. However, where applicable law mandates different procedures or policies with respect to Middlebury programs outside of Vermont, those procedures or policies will apply.

Middlebury's process to address cases of alleged sexual misconduct, domestic and dating violence or misconduct, stalking and related retaliation is designed to:

- Consider the complainant's rights, the respondent's rights, the community's safety, and applicable laws and Middlebury policies;
- Provide a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties;
- Protect all parties' privacy to the extent practical, while balancing the need to comply with applicable law, maintain campus safety and provide a safe and nondiscriminatory environment for all students, faculty, staff and covered third parties;
- Hold all individuals found to have violated Middlebury's policies accountable for their actions and provide appropriate remedies to address the effects of sexual misconduct, domestic or dating violence or misconduct, stalking and/or related retaliation on the complainant and others.

The parties will be provided procedural rights as outlined in this policy. Since Middlebury lacks full judicial authority, such as the power to subpoena or place witnesses under oath, an individual's rights cannot be coextensive with or identical to the rights afforded in a civil or criminal legal proceeding. The procedures outlined below are designed, however, to assure fundamental fairness and to protect individuals from arbitrary or capricious disciplinary action. All adjudicators, investigators, and Middlebury officials shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented fundamental fairness.

2. Definitions

The definitions of sexual assault, domestic violence, dating violence and stalking used in this policy are consistent with the Clery Act, as amended effective 2014. Middlebury prohibits the crimes of sexual assault, dating violence, domestic violence, and stalking as defined by the Clery Act and this policy. In addition, for the purposes of this policy, the definitions of domestic violence and dating violence expand upon the definitions required under the Clery Act, as amended effective 2014, and include other prohibited behaviors. This policy further expands the list of prohibited behaviors beyond Clery requirements to include the categories of Sexual Exploitation, and Domestic and Dating Misconduct.

In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, Middlebury includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence and stalking that are used by the criminal laws in applicable jurisdictions. The criminal law definitions used in many of those jurisdictions are described in [Appendix A](#) for the sake of information only. However, Middlebury utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014 (and expand upon the Clery act as noted above), and determines responsibility for violations of Middlebury policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system. The definitions outlined immediately below apply as a matter of Middlebury policy in all locations where Middlebury operates its programs.

Sexual Misconduct

Sexual misconduct violates the rights of others, and demonstrates flagrant disregard for the principles of this community. Middlebury seeks to prevent all forms of sexual misconduct, and desires to establish and maintain a safe and healthy environment for all members of the community through sexual misconduct prevention, education, support, and a fair adjudication process. Use of alcohol or other drugs does not minimize or excuse a person's responsibility for conduct that violates this policy.

Sexual misconduct may include sexual assault, sexual exploitation, or both. The definitions below are intended to provide clarity, and do not suggest that one behavior is more severe or violating than the other.

Sexual Assault

Sexual assault may be either rape, fondling without consent, incest, or statutory rape, as defined in the Clery Act and below.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the victim, including instances where the

victim is incapable of giving consent because of their temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction.

Statutory rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction.

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- Intentional non-consensual contact with the private body parts of another person that does not meet the definition of behaviors prohibited under the definition of "Sexual Assault," above;
- Prostituting another person;
- Recording or capturing through any means images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity, if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not consent to such disclosure and object(s) or would object to such disclosure; and
- Viewing another person's sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy, without that person's consent, if the individual viewing the other person's or persons' sexual activity, intimate body parts, or nudity in such a place knows or should have known that the person(s) being viewed would object to that.

Exception: Middlebury's prohibition of sexual exploitation is not intended to prohibit the use of sexually explicit materials that are reasonably related to Middlebury's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable person they arise appropriately to promote genuine discourse, free inquiry, and learning.

Consent

Consent means words or actions, freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.

Consent is not present or valid when a person is incapable of giving consent because they are incapacitated by drugs or alcohol; when intimidation, threats, physical force, or other actions that a reasonable person in that person's circumstances would consider coercive are applied; when that person is placed in fear that any person will suffer imminent bodily injury; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person is under the age of 16. Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

The use of alcohol or drugs does not minimize or excuse a person's responsibility for committing sexual misconduct, or that person's responsibility for determining whether another is capable of giving consent, as described above.

Capability to Give Consent

An objective standard will be used in determining whether a person is incapable of giving consent due to the person's incapacitation by the use or consumption of drugs or alcohol, or if a physical or mental condition as described above is present. That is, consent is not present or valid when:

- (a) From the standpoint of a reasonable person, the respondent knew, or reasonably should have known, that the person was incapable of giving consent because the person was incapacitated by the person's use or consumption of drugs or alcohol, or that the person's physical or mental condition would prevent knowing and voluntary consent; and
- (b) The person was, in fact, incapable of giving consent because the person was incapacitated by the person's use or consumption of drugs or alcohol, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

Coercion

Coercion is defined as compelling someone to act by applying pressure, harassment, threats, intimidation, or other actions a reasonable person would consider to be coercive.

Domestic Violence

Domestic violence is violence committed—

- (a) By a current or former spouse or intimate partner of the person subjected to the violence;
- (b) By a person with whom the person subjected to the violence shares a child in common;
- (c) By a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
- (d) By a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred, or

(e) By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.

For the purposes of this definition, domestic violence includes but is not limited to sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been in a domestic relationship as defined here.

For the purposes of this definition, "violence" means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct.

Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to the violence. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here.

For the purposes of this definition, "violence" means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct.

Dating violence does not include acts covered under the definition of domestic violence stated above.^[1]_[SEP]

Domestic or Dating Misconduct

Domestic or dating misconduct is defined as threatening or coercive behavior that does not involve violence, but that occurs in the context of a domestic or dating relationship. The criteria for determining the existence of a domestic or dating relationship are provided in the above definition of Domestic Violence and Dating Violence. Examples of Domestic or Dating Misconduct include but are not limited to the following, when occurring in the context of a domestic or dating relationship:

- conduct that may reasonably be expected to exploit or coerce;
- kidnapping and/or restraint;
- prevention of another's ability to communicate or move freely;
- violation of another's privacy;
- unauthorized entry and/or uninvited or unwanted presence in another's room or office.

Stalking

"Stalking" is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (a) Fear for the person's safety or the safety of others; or
- (b) Suffer substantial emotional distress.

For the purposes of this definition—

(a) Course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.

(c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
 - ◊ Posting of pictures or text in chat rooms or on websites;
 - ◊ Sending unwanted/unsolicited e-mail or talk requests;
 - ◊ Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
 - ◊ Installing spyware on a person's computer;
 - ◊ Using Global Positioning Systems (GPS) or similar technology to monitor a person.
- Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or "voyeurism"
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, or co-workers
- Accessing private information through unauthorized means
- Threats to harm self or others
- Defamation and/or lying to others about the person, or
- Using a third party or parties to accomplish any of the above.

Complainant

A complainant is usually an individual filing a complaint of a violation of Middlebury policies. In some cases (such as, e.g., cases in which a person involved in an incident of alleged sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation does not wish to participate in the process but Middlebury decides that the alleged misconduct needs to be investigated), Middlebury may pursue an investigation and adjudication under this policy without a designated complainant. In these cases Middlebury may extend some or all of the rights of a complainant as defined in this policy to affected parties as deemed appropriate by a Human Relations Officer or the Deputy Title IX Coordinator, as applicable.

For ease of reference, the term “complainant” is also used throughout this policy to refer generally to an individual who was allegedly subjected to prohibited conduct as defined in this policy.

Respondent

A respondent is an individual whose alleged conduct is being investigated to determine if it is in violation of Middlebury’s policies. See [Section 11, Scope of Oversight](#) and [Section 12, Pending Discipline](#) at the end of this policy for more information.

For ease of reference, the term "respondent" is also used throughout this policy to refer generally to an individual who allegedly engaged in prohibited conduct as defined in this policy.

Covered Third Parties [1]

Under Title IX and/or Middlebury policy, third parties who participate in Middlebury’s programs or activities are protected from sexual misconduct, domestic and dating violence and misconduct, stalking and related retaliation arising out of those programs or activities. Such individuals will be referred to in this policy as “covered third parties.” Thus, any covered third party who participates in any Middlebury program or activity may report a complaint of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation under this policy, as applicable. Also, Middlebury will take appropriate action, to the extent practicable given Middlebury’s limited authority, in response to a report or complaint of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation by a student, faculty or staff member against a third party.

Human Relations Officer

A Human Relations Officer (“HRO”) is an administrator responsible for overseeing investigations and adjudicating complaints under this policy. HROs are also the Civil Rights and Title IX Coordinator’s designees responsible for overseeing investigations and adjudicating sexual misconduct complaints in accordance with this policy. Contact information may be found in [Appendix B](#).

Civil Rights and Title IX Coordinator

The Civil Rights and Title IX Coordinator ("CRT9 Coordinator") is the administrator responsible for coordinating Middlebury’s efforts to comply with and carry out its responsibilities under Title IX. The CRT9 Coordinator’s responsibilities include overseeing the process for handling and responding to all complaints of possible sex discrimination and identifying and addressing

any patterns or systemic problems that arise during the review of such complaints. Middlebury's CRT9 Coordinator also participates in Middlebury's handling and responding to complaints of sexual misconduct, domestic and dating violence and misconduct, and stalking, as defined in this policy. Contact information may be found in [Appendix B](#); see also [Appendix D](#).

Responsible Employees

Responsible employees include the CRT9 Coordinator, HROs and the DTC. These employees have the authority to redress sexual misconduct, domestic and dating violence and misconduct, stalking and related retaliation under Middlebury's policies. Other Middlebury employees may also be "responsible employees," to the extent described in [Section 3\(B\), Non-Confidential Resources](#), below. Responsible employees have a duty to report incidents that potentially involve these types of misconduct to Middlebury's CRT9 Coordinator or designees (e.g., HROs).

Confidential Resources

Confidential resources include the staff of the Parton Center for Health and Wellness, the staff of the Chaplain's office, Middlebury Safe and Confidential Advocates ("MidSafe" [\[2\]](#)) or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality. For more information, see [Section 3, Confidentiality](#), below.

No Contact Order

When sexual misconduct, domestic or dating violence or misconduct, stalking, related retaliation, or other forms of interpersonal misconduct have been reported, or when otherwise deemed appropriate under the circumstances, the vice president for student affairs and dean students, Commons deans, Commons residence directors ("CRDs"), CRT9 Coordinator, HROs, Public Safety staff, or appropriate supervisory authority for the program at issue may issue No Contact Orders to the persons involved, whether or not disciplinary action is taken. A No Contact Order is used to restrict encounters and communications between individuals. While a No Contact Order in and of itself does not constitute discipline and will not appear in an employee's personnel file or on a student's disciplinary record, refusal to adhere to the order after written or verbal notification of its terms is prohibited and may result in disciplinary action. For more information, see [Section 10\(F\)11, Investigation](#).

No Trespass Notice

A No Trespass Notice prohibits the presence of an individual on Middlebury property, or other properties on which Middlebury programs are occurring. Violating a No Trespass Notice is considered to be a violation of Middlebury policy. As No Trespass Notices are legally enforceable, a violation may lead to arrest and prosecution.

Relief from Abuse Orders, Orders of Protection and Restraining Orders

In the United States, a relief from abuse order, also called a protection order or restraining order, is a court order that is designed to stop violent, harassing and threatening behavior. It can also stop the respondent from any contact or communication with the complainant, and protect the complainant and the complainant's family members, as appropriate, from the respondent. Such orders may be awarded by courts in the United States on a temporary basis, in which case they are instituted by a judge immediately and reviewed subsequently through a court hearing process where it is determined whether they will remain in effect for a longer term. Similar resources

may exist in the other countries in which Middlebury operates programs. For more information, please see [Appendix C](#).

Middlebury College Faculty

Middlebury College faculty are faculty who are subject to the Middlebury College Faculty Handbook and whose primary appointment is at Middlebury College's undergraduate program.

Days

Unless otherwise noted, "days" indicates calendar days, regardless of whether the majority of Middlebury's administrative offices are open. "Business days" indicates days on which the majority of Middlebury's administrative offices are open, and generally connotes Mondays through Fridays. In computing any period of time referenced in this policy, the day of the act or event (e.g., provision of evidence for review and response, issuance of the determination or sanction) from which the designated time period begins to run shall not be included. The last day of the period so computed shall be included if it is a business day; when not a business day, the period will conclude at the end of the next business day.

Proceeding

A "proceeding" includes all activities related to a complaint filed and/or an investigation pursued under [Section 10](#) of this policy, including but not limited to fact-finding investigations and formal or informal meetings. "Proceeding" does not include communications and meetings between Middlebury officials and an individual concerning accommodations or protective measures to be provided to that individual.

3. Confidentiality

Middlebury encourages individuals to report incidents of sexual misconduct, domestic or dating violence or misconduct, stalking and related retaliation so that they can get the support they need, and so that Middlebury can respond appropriately. Certain Middlebury employees may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed, in all cases Middlebury will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct, domestic and dating violence and misconduct, stalking and/or related retaliation.

This section is intended to inform students, faculty, staff and covered third parties of the various reporting and confidential disclosure options available to them, so that they can make informed choices about where to go for help.

- A) [**Confidential Resources**](#)
- B) [**Non-Confidential Resources**](#)
- C) [**Disclosure to Responsible Employees and Request for Confidentiality**](#)
- D) [**Evaluating Requests for Confidentiality in Sexual Misconduct Cases**](#)
- E) [**Evaluating Requests for Confidentiality in Domestic and/or Dating Violence, Domestic and/or Dating Misconduct, Stalking and Related Retaliation Cases**](#)
- F) [**If Confidentiality is Requested but Cannot be Maintained**](#)

- G) [When Confidentiality Can be Maintained](#)
- H) [Disclosure During Internal Investigations and Adjudications](#)
- I) [Disclosure Required by Law](#)
- J) [Disclosure to Law Enforcement](#)

(A) Confidential Resources

Individuals are encouraged to seek support from internal and external resources such as counseling services, advocacy services, and/or chaplains. Contact information is available in [Appendix C](#).

A confidential resource is an individual who is legally and ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under the circumstances noted below. Middlebury respects that the decision to come forward may be difficult and that individuals may wish to seek assistance from someone who can confidentially offer information and support, and who can provide assurances that the disclosed information will not be acted on except in the circumstances outlined below. (For a list of confidential resources, see [Appendix C](#), below.) In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or trained sexual assault advocate. The medical, mental health, and religious professionals and MiddSafe advocates^[2] at Middlebury, and their off-campus counterparts, respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to breach a confidence, however, when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who speaks to a confidential resource must understand that, if they want to maintain confidentiality, Middlebury will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. However, confidential resources may assist the individual in receiving other forms of protection and support, such as victim advocacy; academic accommodations; disability, health or mental health services; and changes to living, working, or transportation arrangements. (See [Section 6, Services and Accommodations](#) for more information.) An individual who initially requests confidentiality may later decide to file a complaint with Middlebury or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will help to direct the individual to the appropriate resources in the event that the individual wishes to file an internal complaint with Middlebury or report to the police.

(B) Non-Confidential Resources

Non-confidential resources are all faculty or staff members, including residential life staff and ombudspersons, who are not medical or counseling professionals, clergy, or MiddSafe Advocates, and are therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an incident of alleged sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation involving a student are required to

report that information to a HRO or the CRT9 Coordinator, and they are “responsible employees” to this extent (see [Section 9, Reporting Requirements for Staff and Faculty](#) for more information). The CRT9 Coordinator and HROs are “responsible employees” for the purposes of redressing reports of sexual misconduct, domestic and dating violence and misconduct, stalking and related retaliation in accordance with this policy (see [Appendix B](#) for contact information).

Faculty and staff who are [Campus Security Authorities](#) are required to report certain sex offenses and other crimes to the Department of Public Safety for the purpose of compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. For more information about Campus Security Authorities, see [Appendix E](#).

Employees with supervisory responsibility are expected to report all incidents of alleged sexual misconduct, domestic and dating violence and misconduct, stalking or related retaliation involving employees to a HRO, the CRT9 Coordinator, and/or to Human Resources.

General inquiries to Middlebury officials about policies or procedures, and conversations in which the respondent is not identified by name or by implication from the circumstances, may remain private. Otherwise, individuals who want to maintain confidentiality should seek a confidential resource.

(C) Disclosure to Responsible Employees and Requests for Confidentiality

When a responsible employee (e.g., a non-confidential faculty or staff member) learns of an incident that could constitute sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation involving a student, faculty or staff member or covered third party, the responsible employee will report the incident to the CRT9 Coordinator and/or an HRO. The report will include relevant details about the incident of which they are aware, including the names of the parties, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state and federal law. Examples include individuals who are responsible for processing, investigating, adjudicating, and responding to sexual misconduct, domestic and dating violence and misconduct, stalking and/or related retaliation reports; deans; program directors; supervisors; Human Resources staff; and Department of Public Safety or other campus security personnel who are responsible for reporting campus crime statistics and issuing timely warnings under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

(D) Evaluating Requests for Confidentiality in Sexual Assault Cases

If an individual discloses an incident of sexual assault but wishes to maintain confidentiality (i.e. requests that no investigation into a particular incident be conducted or disciplinary action taken), Middlebury will make every effort to respect this request and will evaluate the request against its responsibility to provide a safe, non-discriminatory environment for all students, faculty and staff, including the individual who reported the sexual assault. Although rare, there are times when Middlebury may not be able to honor the individual’s request. Further, if Middlebury honors the request for confidentiality, Middlebury’s ability to appropriately

investigate the incident and pursue disciplinary action against the respondent), if warranted, may be limited.

Middlebury has designated its CRT9 Coordinator and HROs as responsible for evaluating requests for confidentiality, as appropriate to the circumstances. In considering an individual's request for confidentiality, the CRT9 Coordinator and HROs may consult with Middlebury's [Threat Assessment and Management Team](#) (TAM) and other Middlebury personnel, or law enforcement authorities, as appropriate.

Factors to be considered in determining whether confidentiality should be maintained may include but are not limited to:

(i) The increased risk that the respondent will commit additional acts of sexual misconduct or other violence, such as:

- whether there have been other sexual misconduct complaints about the same respondent;
- whether the respondent has a history of arrests or records from a prior institution indicating a history of violence;
- whether the respondent has threatened further sexual misconduct or other violence against the individual or others;
- whether the alleged sexual misconduct was committed by multiple respondents;
- circumstances that suggest there is an increased risk of future acts of sexual misconduct or other violence under similar circumstances (e.g., whether the report reveals a pattern of perpetration [e.g., via illicit use of drugs or alcohol] at a given location or by a particular group);

(ii) whether the alleged sexual misconduct was perpetrated with a weapon;

(iii) whether the complainant is a minor; and

(iv) whether Middlebury possesses other means to obtain relevant evidence (e.g., security cameras, information known to Middlebury personnel, or physical evidence).

The presence of one or more of these factors or other factors as deemed appropriate may prompt an investigation and adjudication under Middlebury's policies and, if appropriate, result in disciplinary action. If none of these factors is present, Middlebury will likely honor the individual's request for confidentiality.

(E) Evaluating Requests for Confidentiality in Sexual Exploitation, Domestic and Dating Violence or Misconduct, Stalking and Related Retaliation Cases

In cases involving sexual exploitation, domestic or dating violence or misconduct, stalking, and/or related retaliation, if an individual insists that their name or other identifiable information not be revealed, or asks that Middlebury not investigate or seek action against the respondent, Middlebury will evaluate the request in the context of its commitment to provide a safe environment for that individual as well as all students, staff and faculty. Thus, Middlebury may weigh the individual's request against a number of factors, including but not limited to the

seriousness of the alleged conduct; circumstances that suggest there is a risk of repeated conduct; whether there have been other reports or complaints about the respondent; the credibility and significance of existing relevant evidence; and the extent of any ongoing threat to the individual, the Middlebury community or any of its members.

In considering an individual's request for confidentiality the CRT9 Coordinator and/or HROs may consult with Middlebury's [Threat Assessment and Management Team](#) and other Middlebury personnel, or law enforcement authorities, as appropriate.

(F) If Confidentiality is Requested but Cannot be Maintained

If Middlebury determines that it cannot maintain an individual's request for confidentiality, Middlebury will inform the individual prior to conducting an investigation (unless extenuating circumstances are present) and will, to the extent possible, only share information with those individuals who are responsible for Middlebury's response to the incident. Middlebury will not require the individual to participate in any investigation or disciplinary proceeding, nor will it require the individual to personally report any information to law enforcement authorities. It will remain up to the individual to choose whether they personally want to participate in notifying law enforcement authorities, or would rather not do so. See [Section 3\(J\), Disclosure to Law Enforcement](#), below, for more information.

If when responding to reports of sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation, Middlebury determines it is obligated to take any action that would involve disclosing a reporting individual's identity to the respondent, or an action from which the reporting individual's identity may be easily determined by the respondent, the individual will be informed before the action is taken (unless extenuating circumstances are present). If the reporting individual requests that the respondent be informed that they requested that there be no investigation or disciplinary action, Middlebury will endeavor to honor this request and inform the respondent that Middlebury made the decision to investigate the matter.

Middlebury will take supportive measures when requested and reasonably available that are designed to prevent and address retaliation against individuals whose requests for confidentiality have not been honored (see [Section 4, Retaliation](#), below), and to respond to their needs for support, services and accommodations (See [Section 6, Services and Accommodations](#), below).

(G) When Confidentiality Can be Maintained

If Middlebury determines that it can respect the individual's request for confidentiality (i.e., the individual's request that a report of sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation not be investigated/adjudicated), Middlebury will take action to assist the individual, to the extent possible, including the measures identified in [Section 6, Services and Accommodations](#), where such measures are requested and reasonably available.

As noted in [Section 3\(D\), above](#), individuals should be aware that if Middlebury honors their request for confidentiality, this may limit Middlebury's ability to fully respond to the incident, including pursuing disciplinary action against the respondent.

(H) Disclosure During Internal Investigations and Adjudications

Middlebury will handle information related to alleged violations of this policy with sensitivity and discretion. However, Middlebury may need to disclose information relating to an incident (including the identity of parties, witnesses or others) to the extent necessary to conduct a thorough, fair, and impartial investigation and adjudication process for all involved parties.

(I) Disclosure Required by Law

Middlebury will not include the names of complainants or other personally identifying information in publicly available reports that are compiled as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and when issuing timely warnings as required by the Clery Act, will withhold as confidential the names of such individuals. Middlebury officials responsible for compiling publicly available recordkeeping such as crime statistics published in the Annual Security Report(s), daily crime logs or timely warnings, review reports before publication and distribution to ensure that the information does not contain the names of complainants or other personally identifying information. Statistics published in Middlebury's Annual Security Report(s) contain only the number and type of reported crimes. Middlebury is also part of a larger community and context. If there is an independent investigation, lawsuit, or criminal proceeding related to a sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation matter, those involved or others may be required by law to provide testimony or documents (e.g., investigation reports, witness statements, and any other information gathered or obtained in the course of a particular matter).

(J) Disclosure to Law Enforcement

In certain circumstances, Middlebury may need to report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, or situations in which there is clear and imminent danger and/or a weapon may be involved. Complainants may choose to notify authorities personally and directly with or without Middlebury's assistance, or may choose not to notify such authorities personally; for more information, see [Section 7, Pursuing a Criminal Complaint](#), below.

4. Retaliation

Retaliating directly or indirectly against a person because they have made a report or complaint with Middlebury, and/or an outside agency, or because they participated in an investigation is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment, threatening, intimidating or coercing the person, or otherwise discriminating against any person for exercising their rights or responsibilities under this policy. Depending on the circumstances, retaliation may also be unlawful. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit. Complaints of retaliation should be reported under the procedures described below.

5. Emergencies

If the safety of any individual is an immediate concern, involved parties or observers in the United States should contact local law enforcement by **dialing 911**. Involved parties or observers in other countries should notify local law enforcement and their program director.

Individuals participating in Middlebury's programs should also report incidents of sexual misconduct, domestic or dating violence or misconduct, stalking and related retaliation to the [Department of Public Safety](#) (Vermont programs), the [safety contacts for individual schools abroad](#) (Middlebury schools and programs abroad), or other campus security personnel applicable to the program at issue (see contact information in [Appendix B](#), below).

Middlebury's [Department of Public Safety](#) (or other campus safety personnel for programs outside of Vermont, as applicable) will coordinate its response to the report with other officials, as appropriate (including the CRT9 Coordinator, HROs and responsible [Threat Assessment and Management Team](#)) and, if necessary, law enforcement, to intervene at the earliest practical point to stop the behavior and coordinate services to the complainant. A coordinated response will include consideration of the complainant's request for confidentiality in accordance with [Section 3, Confidentiality](#), above and may also include the implementation of safety measures as deemed necessary; see [Section 6, Services and Accommodations](#) below for examples.

6. Services and Accommodations

It is not necessary to file a complaint with Middlebury, participate in an adjudication process, or file a criminal complaint in order to request services or accommodations from Middlebury. These may include but are not limited to:

- No Contact Orders restricting encounters and communications between the parties (see [Section 2, Definitions](#));
- No Trespass Notices prohibiting the presence of an individual on Middlebury property, and/or other properties on which Middlebury programs are occurring (see [Section 2, Definitions](#));
- Academic accommodations, including but not limited to deadline extensions, incompletes, course changes or late drops, or other arrangements as appropriate (see the [Academics: Course Registration and Conduct of Courses](#) and [Grades and Transcripts](#) sections of the Handbook for more information);
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- Changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable (see [Appendix C](#) for a list of resources);
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable, and providing assistance if the individual wishes to do so. Middlebury will also work with complainants and others

as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate.

Where a complainant reportedly subjected to sexual assault, domestic or dating violence or stalking makes a reasonable request for accommodations like those described above, Middlebury is obligated to comply with that request if such accommodations are reasonably available.

Students and employees seeking services, protective measures, and/or accommodations should direct their request to the CRT9 Coordinator, HROs, Commons dean, or program director, as appropriate. The request will be evaluated and responded to by the CRT9 Coordinator, HROs, Commons dean, or program director after consultation, as needed, with the appropriate authority or authorities for the school or program at issue. Factors to be considered in determining reasonable services or accommodations may include the following:

- the specific need expressed by the complainant;
- the severity and/or pervasiveness of the allegations;
- any continuing effects on the complainant;
- whether the complainant and the respondent share the same residence hall, dining hall, class, extracurricular activities, transportation or job location; and
- whether other judicial measures have been taken to protect the complainant.

Middlebury will maintain as confidential any services, accommodations or protective measures provided to complainants, to the extent that maintaining such confidentiality would not impair the ability of Middlebury to provide the services, accommodations or protective measures. As such, Middlebury may need to disclose some information about the individual to a third party to provide the necessary accommodations or protective measures in a timely manner. The following individuals are typically responsible for determining what information should be disclosed and to whom it should be disclosed: CRT9 Coordinator, an HRO, Commons dean, Public Safety officer or program director. The decision to disclose information will be made after careful consideration of possible alternatives to disclosure and/or limiting the information provided to the third party as much as possible without compromising Middlebury's ability to provide the services, accommodations or protective measures.

7. Pursuing a Criminal Complaint, Involvement of Law Enforcement, and Obtaining a No Contact Order, No Trespass Notice, or Order of Protection

In addition to (or instead of) utilizing Middlebury's processes and resources, any student, employee or covered third party who wishes to report a complaint of sexual misconduct, domestic or dating violence or misconduct, or stalking under this policy may also pursue criminal charges with local, state, or federal law enforcement agencies (see [Appendix B](#) for contact information). Middlebury will offer and upon request provide assistance to students, employees and covered third parties with notifying law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Middlebury. Individuals have the option to notify such agencies with or without assistance from Middlebury, and have the option not to personally notify such authorities.

As noted in [2. Definitions](#) and in [6. Services and Accommodations](#), Middlebury can issue No Contact Orders restricting contact between two members of the Middlebury community, and No Trespass Notices restricting individuals from Middlebury-owned or rented property. Requests for a No Contact Order or a No Trespass Notice may be directed by telephone, email or in person to the CRT9 Coordinator, an HRO, or the appropriate program director (see contact information in [Appendix B](#), below).

Middlebury does not have the authority to issue Relief From Abuse Orders, Orders of Protection or Restraining Orders (see [2. Definitions](#)), as these are granted by the court system. In addition to (or instead of) Middlebury's No Contact Orders and No Trespass Notices, individuals who are being or who may have been subjected to sexual assault, domestic or dating violence, stalking and/or related retaliation may pursue Orders of Protection, Restraining Orders and/or Relief from Abuse Orders from United States courts or courts outside of the United States as applicable. Middlebury will support individuals if they request Middlebury's assistance with making contact with law enforcement authorities and other external resources to seek such orders. Middlebury will comply with and respect such orders to the extent applicable.

Requests for assistance with contacting law enforcement authorities or obtaining an Order of Protection, a Relief from Abuse Order, a Restraining Order or other lawful order may be made in person, or via email, phone or teleconference to the CRT9 Coordinator, an HRO, or, Public Safety staff member or program director. For additional information regarding making reports to the police and/or obtaining an Order of Protection, Restraining Order, or Relief from Abuse Order, see [Appendix C](#) below.

8. Medical Care and Evidence Preservation

Any individual who may be experiencing or has experienced sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation is encouraged to immediately seek any necessary medical care and to seek help from appropriate Middlebury, law enforcement and/or medical personnel, even if the individual is uncertain about whether to ultimately pursue a complaint or criminal charges, or to seek an Order of Protection (see [Appendix C, Resources](#), below). It is important for individuals to preserve all possible evidence in case they decide at some point to do so. This evidence may assist in proving whether the alleged criminal conduct (or a policy violation) occurred and/or it may be helpful in obtaining a protective order. Therefore, if at all possible, individuals should refrain from changing clothes, showering or otherwise changing their physical state after an incident, until after consulting with medical personnel about how to best preserve evidence. They should also preserve any available physical evidence, documents, or electronic evidence (such as, for example, text messages, photographs, social media posts, etc.).

9. Reporting Requirements for Staff and Faculty

Any staff or faculty member who learns of an incident of alleged sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation involving a student or covered third party must report this information to Middlebury's CRT9 Coordinator, a HRO, (see [Appendix B](#) for contact information) or the appropriate program director in cases involving the Language

Schools, Schools Abroad, Bread Loaf, the Institute, or other Middlebury programs as applicable, unless their status as a confidential resource precludes this disclosure. Confidential resources include the staff of the Parton Center for Health and Wellness, the staff of the Chaplain's Office, MidSafe Advocates, or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality. Please see [Section 3, Confidentiality](#) for more information.

Employees with supervisory responsibility are expected to report all incidents of alleged sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation involving employees to the CRT9 Coordinator, a HRO, and/or to Human Resources.

10. Complaint Investigation and Resolution Procedures

(A) In General

The information in the sections below, except as noted, applies to Middlebury students, staff, faculty and covered third parties who wish to report a complaint of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation, as defined above, against a Middlebury student, staff or faculty member, through Middlebury's processes.

All Middlebury students, faculty members, staff members and covered third parties have the right to pursue sexual misconduct, domestic or dating violence or misconduct and stalking complaints beyond Middlebury, and are encouraged to use local, state, or federal enforcement agencies, including local police, as applicable, regardless of whether they choose to file a complaint on campus. See [Section 7, Pursuing a Criminal Complaint](#), and contact information in [Appendix B](#).

Middlebury will not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolve complaints under this policy. Middlebury will, however, comply with valid law enforcement requests in a criminal investigation. As such, Middlebury may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, Middlebury will promptly resume and complete its investigation. Middlebury may also take interim measures to promote the safety and well-being of the complainant and the school community while law enforcement is gathering evidence.

(B) Complaints Directed to the CRT9 Coordinator or HROs

In addition to the mandatory reporting requirements in [Section 9, Reporting Requirements for Staff and Faculty](#), above, any Middlebury student, faculty member, staff member or covered third party who has reasonable cause to believe that sexual misconduct, domestic or dating violence or misconduct, stalking and/or related retaliation has occurred or is occurring should report this information to the immediate attention of any of the CRT9 Coordinator, and/or a HRO designated for the Middlebury program at issue. Contact information can be found in [Appendix B](#).

A complaint may be made verbally (in person, by phone, or videoconferencing) or in writing (via mail or email) and will ultimately need to be recorded in written form by the complainant or a member of the staff involved with the investigation.

Middlebury's procedures for handling reports of sexual misconduct, domestic and dating violence or misconduct, stalking or related retaliation will be prompt, fair and impartial from the initial investigation to the final result, in that they will be:

- Completed within reasonably prompt time frames as designated in Middlebury's policies, which time frames may be extended for good cause and/or due to extenuating circumstances, with written notice to the complainant and the respondent of the delay and the reason for the delay;
- Conducted in a manner that is consistent with Middlebury's policies and transparent to the complainant and the respondent, including timely notice of meetings at which the complainant or respondent may be present, and providing the complainant, the respondent, and appropriate Middlebury officials with any information that will be used during Middlebury's process in accordance with the policies herein; and
- Conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

Once the CRT9 Coordinator or HRO decides to pursue an investigation and adjudication under this policy, the procedures set forth below will apply regardless of where the alleged incident occurred (e.g., on Middlebury-owned or controlled property or off Middlebury-owned or controlled property). Middlebury retains sole discretion in determining whether or not to exercise jurisdiction over off-campus conduct. See also [Section 11, Scope of Oversight \(students\)](#), below.

If either party is concerned that an official involved in the investigation or adjudication (such as, for example, an investigator, CRT9 Coordinator, or HRO) may be biased or have a conflict of interest, the party should share their concerns immediately. Concerns of this nature about the investigator should be shared with the CRT9 Coordinator; concerns about the CRT9 Coordinator or an HRO should be shared with the Chief Diversity Officer. The official with whom the concern is shared will consider the concern and inform the parties of a decision as to whether any related action is appropriate and whether an alternate will be appointed. If an alternate investigator, HRO, or CRT9 Coordinator is appointed, the alternate shall have the same authority as the designated official.

Rights of Complainants

Individuals whose complaints of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation are being investigated and adjudicated by Middlebury can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be informed in writing that their complaint is being investigated, and of any other related policy violations being explored through this investigation.

- They will be provided with a written explanation of the student's or employee's rights and options, and a copy of Middlebury's Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking, which includes information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid services, and other services available, both on campus and in the community; and notification of options for, and available assistance with, changing academic, living, transportation, and working situations or protective measures if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report a crime to campus public safety or law enforcement and regardless of whether the incident occurred on or off campus.
- They will be afforded the same rights and opportunities as the respondent throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access Middlebury and/or external resources for medical and counseling services at any time.
- They may choose to pursue a formal complaint with external law enforcement authorities or other federal or state agencies at any time, or they may decline to do so.
- They may be accompanied by an advisor of their choice to any meeting, interview or proceeding that they are attending regarding the investigation and adjudication process.
- They may submit one character reference letter for consideration.
- They may meet with a HRO prior to the determination of a finding.
- In the event of a finding of a policy violation, they may submit a Sanction Statement.
- They will be informed in writing, simultaneously with the respondent, of:
 - the adjudication result;
 - any applicable procedures to appeal the result of Middlebury's disciplinary proceedings, to the extent they are available;
 - any change to the result following an appeal; and
 - when such results become final.
- If the respondent has a right to appeal the result under applicable Middlebury policies, the complainant will have the same right. The CRT9 Coordinator will provide written notification to a complainant of any applicable appeal procedures at the time the complainant receives notice of the result.
- They may retain legal counsel at any time. An attorney who wishes to communicate with Middlebury about a case may contact Middlebury's legal counsel directly. An attorney who is asked to serve as an advisor during this process is subject to the same restrictions applicable to all advisors (see [Section 10\(E\) 6,7,8](#) below).

Rights of Respondents

Individuals responding to complaints of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation that are being investigated and adjudicated by Middlebury can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.

- They will be informed in writing that a complaint of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation against them is being investigated, and of any other related policy violations being explored through this investigation.
- They will be provided with a copy of Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking, which includes information about existing counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid services, and other services available, both on campus and in the community.
- They will be afforded the same rights and opportunities as the complainant throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access Middlebury and/or external resources for medical and counseling services at any time.
- They may be accompanied by an advisor of their choice to any meeting, interview or proceeding that they are attending regarding the investigation and adjudication process.
- They may submit one character reference letter for consideration.
- They may meet with a HRO prior to the determination of a finding.
- In the event of a finding of a policy violation, they may submit a Sanction Statement.
- They will be informed in writing, simultaneously with the complainant, of:
 - the adjudication result;
 - any applicable procedures to appeal the result of Middlebury’s disciplinary proceedings, to the extent they are available;
 - any change to the result following an appeal; and
 - when such results become final.
- If the respondent has a right to appeal the result under applicable Middlebury policies, the complainant will have the same right. The CRT9 Coordinator will provide written notification to a respondent of any applicable appeal procedures at the time the respondent receives notice of the result.
- They may retain legal counsel at any time. An attorney who wishes to communicate about a case with Middlebury may contact Middlebury’s legal counsel directly. An attorney who is asked to serve as an advisor during this process is subject to the same restrictions applicable to all advisors (see [Section 10\(E\) 6.7.8](#), below).

If an individual wishes to file a complaint alleging that the CRT9 Coordinator or a HRO committed sexual misconduct, domestic or dating violence or misconduct, stalking and/or related retaliation, they may do so with the Chief Diversity Officer. As noted above, these officials may appoint an alternate CRT9 Coordinator and/or HRO to conduct and oversee an investigation and/or adjudication as appropriate.

(C) Complaint Receipt and Review

When the CRT9 Coordinator, HRO, or designee who will be involved in Middlebury’s handling of and response to particular incidents of alleged misconduct prohibited by this policy receives actual notice – i.e., a written or oral complaint or report directed to the CRT9 Coordinator/HRO

– of conduct that may constitute sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation as defined by this policy, Middlebury will initiate the following process, except as otherwise provided in [Section 10\(I\), Time Frames](#), below:

1. The CRT9 Coordinator/HRO will promptly determine whether the report or complaint alleges conduct that may be prohibited by this policy. The CRT9 Coordinator/HRO or designee may gather additional information as appropriate before making this determination. During any such initial inquiry, all parties are bound by the confidentiality and cooperation provisions of this policy (see Sections 10.E.7, and Section 16).

2. Prior to an investigation or adjudication, the CRT9 Coordinator/HRO and/or designee will consider the complainant's request for confidentiality, if any, in accordance with [Section 3, Confidentiality](#), above.

3. If it is determined that the complaint will be investigated and adjudicated, the CRT9 Coordinator/HRO will decide whether the CRT9 Coordinator/HRO or designee will facilitate this process.

4. Requests for accommodations and other measures will be addressed in accordance with [Section 6, Services and Accommodations](#), above.

5. In cases where the respondent is a **student**, if the CRT9 Coordinator/HRO becomes aware, at any point prior to or during the investigation and adjudication process, of additional allegations against the respondent that, if proven, could constitute violations of other non-academic policies, including harassment or discrimination as defined by [Middlebury's Anti-Harassment/Discrimination Policy](#), these allegations may be investigated and adjudicated in accordance with the procedures set forth herein.

In cases where the respondent is a **faculty member**, if the CRT9 Coordinator/HRO becomes aware, at any point prior to or during the investigation and adjudication process, of additional allegations against the respondent that, if proven, could constitute violations of Middlebury's [Anti-Harassment/Discrimination Policy](#), these allegations may be investigated and adjudicated in accordance with the procedures set forth herein. If at any point prior to or during the investigation and adjudication process, the CRT9 Coordinator/HRO becomes aware that Middlebury policies other than the Anti-Harassment/Discrimination Policy may have been violated by the respondent in relation to the matter under investigation, these concerns will be reported to an appropriate supervisory authority (e.g., VPAA/dean of the Faculty, VPAA/dean of the Institute, VPAA/dean of the Language Schools, Executive Vice President/Provost), who will consider whether and how to proceed under the relevant Faculty Handbook procedures and/or applicable contracts or policies.

In cases where the respondent is a **staff member**, if at any point prior to or during the investigation and adjudication process, the CRT9 Coordinator/HRO becomes aware that the respondent may have violated Middlebury's [Anti-Harassment/Discrimination Policy](#) in relation to the matter under investigation, these allegations may be investigated and adjudicated in accordance with the procedures set forth herein. If at any point prior to or during the

investigation and adjudication process, the CRT9 Coordinator/HRO becomes aware that Middlebury policies other than the Anti-Harassment/Discrimination Policy may have been violated by the respondent in relation to the matter under investigation, these concerns will be reported to Human Resources or the staff member's supervisor, who will consider whether and how to proceed under the relevant Employee Handbook procedures.

In all cases the parties will receive written notification if the CRT9 Coordinator/HRO determines that additional possible policy violations will be investigated and adjudicated in accordance with the procedures set forth herein.

6. In cases where the CRT9 Coordinator/HRO believes that the allegations, if proven, would not constitute a violation of this policy, the complainant will be advised of other judicial and support options as appropriate, and no further investigation will be pursued under this policy. If new information is subsequently provided to the CRT9 Coordinator/HRO, this decision may be reevaluated.

(D) Amnesty

While not condoning infractions of any kind, Middlebury considers reporting incidents of sexual misconduct, domestic or dating violence or misconduct, stalking and related retaliation to be of paramount importance. Therefore, to encourage reporting, Middlebury may, where appropriate, offer leniency with respect to other policy violations that may be revealed as a result of a report, particularly those involving underage drinking or drug use. The nature and scope of the leniency will depend on the particular circumstances involved. The CRT9 Coordinator/HRO and/or other supervisory authority, as appropriate (in the case of faculty or staff), will have sole discretion in determining the appropriate course of action. Individuals should understand that the use of alcohol or drugs never makes them at fault for sexual misconduct, domestic or dating violence or misconduct, stalking, and/or related retaliation committed against them, nor does it mitigate accountability for committing these prohibited behaviors against another.

(E) Investigation Overview

1. The CRT9 Coordinator/HRO will provide a copy of this policy to the complainant and respondent, and will inform both parties in writing that Middlebury is investigating and adjudicating the possibility that the respondent may have committed sexual misconduct, domestic or dating violence or misconduct, stalking and/or related retaliation. The parties will also be given notice of any additional possible policy violations being investigated and adjudicated in relation to the incident.

2. Should a respondent who has been notified of an investigation/adjudication fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available.

3. A No Contact Order is normally issued to restrict contact and communication between the complainant and respondent for the duration of the investigation. When the totality of the circumstances suggest additional measures are appropriate, temporary removal of a student or

employee from campus, a No Trespass Notice, or any other interim measures deemed necessary for the protection of the parties or third parties may be initiated by Middlebury at any time.

4. Middlebury may choose to discontinue an investigation at any time. The complainant may request that an investigation be discontinued at any time. Middlebury will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision to discontinue an investigation is within the sole discretion of Middlebury. Please see [Section 3\(D\),\(E\), Confidentiality](#), for a review of the factors to be considered in determining whether to pursue an investigation.

5. To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including but not limited to the sequence of interviews, the decision to interview particular witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the HRO and/or investigator.

6. Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews, meetings or proceedings that they are attending related to the investigation and adjudication process under this policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other Middlebury representative may terminate meetings, remove or dismiss advisors, and/or proceed with the investigation or adjudication based on otherwise-available information if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

Advisors who are not otherwise designated and serving as confidential resources (see [Section 3\(A\), Confidentiality](#)) are not confidential resources for the purpose of this investigation. Advisors may not discuss or disclose the content of any meetings or procedures related to the investigation and adjudication process other than with the party they are supporting, the investigator, the CRT9 Coordinator and/or the HRO, unless they reasonably believe that disclosing such information to a law enforcement agency is necessary to lessen or avoid a substantial and imminent risk of physical harm to any person, or they are otherwise required by law to do so. Similarly, advisors are strictly precluded from copying, sharing, describing, and/or otherwise disseminating any investigation- or adjudication-related materials to which they are privy, and they shall not disclose the contents of these materials to other parties, except under those limited conditions noted above.

While each party may have an advisor of choice, they may not compel any specific person to serve as their advisor. Middlebury's faculty and/or staff may be available to serve as advisors, but none are required to do so.

7. To protect the integrity of the investigation, complainants, respondents, witnesses, affected parties and advisors shall not disclose any information discussed or revealed during the investigation while the investigation and adjudication process is still pending, other than to the investigator, CRT9 Coordinator, HRO, and/or a confidential resource such as their mental health

counselor or attorney (who also must not disclose such information), except if they reasonably believe that disclosing such information to a law enforcement agency is necessary to lessen or avoid a substantial and imminent risk of physical harm to any person, or they are otherwise required by law to do so. It is also critical that all involved parties and their advisors and supporters adhere to the retaliation prohibition included in this policy; see [Section 4, Retaliation](#), for more information. Complainants and respondents are advised to discuss any questions or concerns they have about these issues with the CRT9 Coordinator.

After Middlebury's investigation and adjudication process has concluded, complainants, respondents, witnesses, affected parties and advisors are prohibited from disclosing, describing, or publishing any and all documents Middlebury provided during the investigative and/or adjudicative process, unless the disclosure is required or expressly permitted by law or applicable guidance. While this provision prohibits dissemination of Middlebury's investigation materials and information an individual learns from these materials, it does not prohibit the sharing of information about which individuals have independent knowledge as long as they do not engage in [retaliation](#) as defined by this policy or violate any other Middlebury policies.

In accordance with applicable law and/or federal guidance, a complainant is not prohibited from sharing the results of a case involving a report of sexual assault, domestic violence, dating violence or stalking. The results of a case consist of the name of the respondent, any violation found to have been committed, and any sanction imposed against the respondent by Middlebury.

8. All materials collected and generated in the course of an investigation are the property of Middlebury. Complainants, respondents, witnesses, affected parties and advisors may not record interviews or administrative meetings associated with the investigation and adjudication process.

9. This policy is regularly reviewed and updated. The policy provided in Middlebury's Web-based Handbook will always reflect Middlebury's most current policy. When an incident under investigation occurred while a previous version of the policy was in effect, the definitions of prohibited behaviors at the time of the incident in question will be applied to the conduct under investigation. However, the policy and procedures in effect at the time the investigation is initiated will govern all other aspects of the investigation and adjudication process, unless otherwise required by law.

(F) Investigation

1. If it is determined that an investigation and adjudication should proceed under this policy, an investigator will be appointed to conduct an investigation that is appropriate under the circumstances, and is prompt, thorough, fair, equitable, objective and impartial. The investigator may consult with the HRO, and others as appropriate, on the strategic direction of the investigation and the preparation of investigation materials.

2. Middlebury's investigation and adjudication process does not require or permit the complainant and respondent to interact or communicate directly or indirectly with each other concerning the process or the matter under investigation at any time. The parties are therefore not

permitted to question or cross-examine each other during the course of the investigation. See [Section 10, Investigation Overview](#), for more information.

3. The investigator is authorized to contact any and all individuals with potentially relevant information. Middlebury recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. The nature and scope of the investigation is within the discretion of the investigator and/or the HRO.

4. The complainant and respondent will be asked to identify, preserve and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant testimony to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

5. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the individual to the full range of disciplinary actions, as applicable.

6. Rules of evidence applicable in court proceedings do not apply in this process. The evidentiary materials may include information generated or gathered that the investigator and/or HRO ultimately deem immaterial. Both parties are invited to comment on the relevance, weight and substance of the evidentiary materials during their individual meetings with the HRO and in their written responses to the investigator's report. The evaluation of evidence by the investigator and the HRO includes consideration of its relevance, materiality, and credibility. In cases where an evidentiary or procedural question arises in connection with the investigation or adjudication process, the HRO will make a determination, either independently or in consultation with the CRT9 Coordinator or other Middlebury official as appropriate.

7. When the investigator determines that sufficient information has been collected to allow the investigator to make a recommended finding, the complainant and respondent may review the witness statements and other evidentiary materials.

Although each party may share access to the contents of the investigation materials with an advisor of choice, all parties and advisors must adhere to the confidentiality requirements in [Section 10\(E\) 6,7, and 8](#).

8. After reviewing the investigation materials, each party may have an individual meeting with the HRO, who is responsible for making the official determination as to whether any Middlebury policy under investigation has been violated. This meeting is intended to allow the parties to meet the HRO, and to have a reasonable opportunity to comment on the content of the evidentiary materials. If either party wishes to submit new evidentiary material, they may do so

prior to the HRO meeting. The meeting will be audio recorded, and the investigator may be present. The HRO meetings will normally be scheduled at least seven days after access to the initial evidentiary materials has been provided to the parties. The HRO has the sole discretion to direct the parties to focus on relevant issues and/or limit redundancies, and to determine the overall length of the meeting.

If it is deemed that any evidence has emerged at this stage that warrants further inquiry, the investigator will pursue additional investigation. Both parties will be provided with access to any new evidentiary materials collected or generated at this stage, including the transcriptions of the HRO meetings, prior to the official determination.

9. Each party may submit one character reference letter no later than seven days from the day the parties have been provided with access to the initial investigation materials. The person providing the character reference is invited to introduce the party to the investigator and to the HRO outside of the context of the incident in question. The person providing the reference is not permitted to offer testimony or commentary related to the incident in question, or to include that person's assessment of the case or the party's role in it in any way.

10. After considering the parties' responses to the evidentiary materials and their character references and completing any additional investigation deemed appropriate, the investigator will prepare a report for the HRO. The report will include the investigator's recommended finding of whether the policy or policies under investigation has/have been violated, and the investigator's rationale. The investigator's recommendation will be based on the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated. While the investigator may consult with the HRO and others as appropriate regarding the preparation of the report, the recommended findings are within the discretion of the investigator. The HRO will have access to all investigation materials, including character references.

11. The CRT9 Coordinator will provide both parties with access to the investigator's report, and to any additional materials collected or generated after the initial investigation materials were shared with the parties, prior to the HRO's issuance of a determination. Each party may submit a written response within seven days of receipt of access to these materials. The CRT9 Coordinator/HRO may extend this deadline if warranted by the circumstances; see [Section 10\(I\), Time Frames](#), below, for more information. Each party may request access to the other party's written statement after both statements have been received by the CRT9 Coordinator and the deadline has passed.

12. If at any point prior to the issuance of an official determination new relevant evidence that will be used during the proceeding is identified, it will be shared with the complainant and respondent, who will have an opportunity to submit a written response within a time frame determined by the CRT9 Coordinator/HRO. The written responses, if submitted, will be shared with and considered by the HRO prior to the HRO's issuance of an official determination. The HRO may move forward with a determination or may direct the investigator to pursue an additional investigation and supplement their report. If the report is supplemented the parties will have access to the report and any additional evidence and will have an opportunity to submit a written response by a deadline established by the CRT9 Coordinator/HRO.

13. If one party alleges that another party violated a No Contact Order (NCO) or No Trespass Notice (NTN) when the allegations can be evaluated during an ongoing SMDVS investigation/adjudication or after the SMDVS investigation/adjudication process has been completed, the HRO or HRO's designee will determine how to proceed. If the HRO does not assume jurisdiction, the allegations may be addressed through Middlebury's conduct process for the appropriate school or program, or through the appropriate employment process. Alternatively, the HRO may designate an appropriate Middlebury official(s) to oversee and/or conduct an investigation and adjudicate the matter. This process will include, at minimum, an opportunity for the parties to review and respond to the evidence prior to a determination, and will utilize the "preponderance of the evidence" standard. If a violation of a NCO or NTN is found, the matter will be referred to the appropriate supervisory authority for discipline and/or other appropriate action in accordance with existing handbook policies.

If the HRO assumes jurisdiction over the allegations and deems an investigation to be necessary, the HRO will determine the scope, process, and timeline of the NCO/NTN investigation and adjudication, which may not necessarily follow the procedures outlined in this SMDVS policy, if the HRO determines that using other procedures is more appropriate. The HRO has the discretion to determine whether an advisor of choice may be present at any processes or meetings related to an NCO/NTN investigation, depending on the circumstances. Both parties will have an opportunity to review and respond to all evidence relevant to the NCO/NTN investigation according to a timeline established by the HRO. The HRO will make a finding and will refer the matter to the appropriate sanctioning authority if a violation is found. Any information resulting from a concurrent NCO/NTN investigation may be considered in the determination of a finding and/or the assignment of a sanction in the SMDVS matter as appropriate. Should the HRO determine that an NCO/NTN violation may also constitute retaliation, the parties will be notified in writing that retaliation will be added to the policies under consideration in the SMDVS investigation.

(G) Determination

1. The HRO is responsible for making the determination of whether any Middlebury policy under investigation has been violated. The HRO is not bound by the investigator's report; rather, it is advisory to the HRO. The HRO may accept or reject the investigator's recommended finding in whole or in part, and may request additional relevant information before making a determination. The HRO may consult with the investigator and/or other persons as determined appropriate in the discretion of the HRO. The HRO will avoid duplicating the efforts of the investigator, as well as accepting the investigator's recommended finding without careful review of all of the evidence.

2. After a review of all evidence, the investigator's report and recommended finding, and the parties' written responses and character references, the HRO will issue a determination, in writing, as to whether the allegations that sexual misconduct, domestic or dating violence or misconduct, stalking, related retaliation, and/or any additional prohibited behaviors being investigated, are proven by a preponderance of the evidence. The determination will contain an explanation of the rationale for the determination, including (1) how the evidence and information presented during the investigation and adjudication process was weighed; (2) how

the standard of evidence was applied; and (3) how the evidence and information support the determination.

The complainant and respondent will be simultaneously informed, in writing, (a) of the HRO's determination (that is, the result of the proceeding and the rationale); (b) of Middlebury's procedures for complainants and respondents to appeal the HRO's determination and/or actions imposed, if applicable; (c) of any change to the results of the disciplinary process that occurs prior to the time that such results become final; and (d) when such results become final.

3. If the respondent is a **faculty member**, both parties will be notified of the HRO's determination in writing, to the extent permitted by law. Both parties in Middlebury College faculty-respondent cases may appeal the finding at this point, based on the grounds and following the procedures described in [Section 10\(J\), Appeals](#). For Middlebury College faculty members, the sanctioning process will remain in abeyance until any appeals of the HRO's determination are complete.

(H) Sanction

1. If the HRO finds that the respondent engaged in behavior that violates this policy (or other Middlebury policies under investigation, as applicable), the CRT9 Coordinator will, in accordance with sections 3, 4 and 5 below, forward the case to the appropriate supervisory authority for the program at issue, who will assign a sanction or sanctions, and other actions as appropriate. In determining the sanction or sanctions and/or other actions, the administrator will be guided by a number of considerations, including but not limited to the following:

- The severity, persistence or pervasiveness of the prohibited conduct;
- The nature of the prohibited conduct;
- The impact of the prohibited conduct on the complainant;
- The impact or implications of the prohibited conduct within the Middlebury community;
- Prior misconduct by the respondent, including the respondent's relevant prior conduct history, at Middlebury or elsewhere;
- Whether the respondent has accepted responsibility for the prohibited conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to living, learning, and working; and
- Any other mitigating, aggravating, or compelling factors.

As noted below, when a student respondent is found responsible for sexual assault, suspension or expulsion are the likely outcomes.

2. If appeal rights exist, sanctions and other actions will go into effect at the expiration of the deadline for the submission of an appeal, if no appeal is submitted, or at the conclusion of the appeal process if applicable. If appeal rights do not exist, sanctions and other actions will go into effect immediately. This language does not preclude the possibility of emergency action as needed; please see [Section 13, Emergency Withdrawal, Suspension or Expulsion](#).

3. If the HRO finds that a **student** has engaged in conduct that violates this policy (or other Middlebury policies under investigation), each party may submit to the CRT9 Coordinator a Sanction Statement sharing any thoughts they would like the appropriate authority to consider when assigning a sanction. The CRT9 Coordinator will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority or authorities (e.g., Vice President of the Language Schools, Dean of Enrollment, Advising and Student Services at the Institute, Director of the Bread Loaf School of English, Director of the Bread Loaf Writers' Conference, Director of the School of the Environment, Dean of International Programs, Vice President for Student Affairs, etc.). The CRT9 Coordinator will also provide the Sanction Statements to the HRO, who after reviewing them will make a sanction recommendation to the appropriate supervisory authority or authorities. When multiple supervisory authorities are involved in assigning sanctions, they may collaborate with each other as appropriate.

After a review of the HRO's recommendation, the supervisory authority may impose disciplinary and/or other appropriate action. Prior conduct may be taken into account in the assignment of these actions.

Detailed information about disciplinary sanctions and their correspondence with conduct prohibited under this policy, can be found in [Appendix F, Sanctions](#). For a finding of sexual assault, sexual exploitation, domestic or dating violence or misconduct, stalking, or related retaliation, sanctions could include written reprimands, probationary status, letters of official discipline, suspension or expulsion from any or all Middlebury program(s) in which the student is enrolled or participating. Although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, students found to have committed sexual assault will most likely receive a sanction of suspension or expulsion. Middlebury may also take other non-disciplinary action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant to a safe environment). Middlebury may also provide notice of the matter to the appropriate supervisory authority of any Middlebury program in which the respondent intends to participate, who may consider this information in determining the respondent's admission to the program and/or other program participation parameters, as appropriate. Notification of a finding of responsibility, sanction, or other action under this policy may also be provided to the home institution of non-Middlebury undergraduate and graduate students or any other program in which the student is enrolled or to which the student is pursuing enrollment.

If the conduct occurred during the course and scope of the student's employment at Middlebury, the matter will be referred jointly to the Human Resources Department and the appropriate supervisory authority for the program at issue, as applicable, for disciplinary sanctions that may include written reprimands, or termination of employment, and/or written reprimands, probationary status, letters of official discipline, suspension, or expulsion from Middlebury, or other action as deemed appropriate under the circumstances. Additional non-disciplinary outcomes, such as training or extending and modifying mutual No Contact Orders, may also be imposed regardless of the finding.

4. If the HRO finds that a **staff member** has engaged in conduct that violates this policy (or other Middlebury policies under investigation, if applicable), each party may submit to the CRT9 Coordinator a Sanction Statement sharing any thoughts they would like to have considered in the determination of a sanction. The CRT9 Coordinator will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority for the program at issue (e.g., the Middlebury College Human Resources Department, or the Institute's Human Resources Department, as applicable). The CRT9 Coordinator will also provide the Sanction Statements to the HRO, who after reviewing them will make a sanction recommendation to the appropriate supervisory authority. After review of the HRO's recommendation, the supervisory authority will initiate procedures to determine and impose appropriate disciplinary action. Disciplinary sanctions for a finding of sexual assault, sexual exploitation, domestic or dating violence or misconduct, stalking, or related retaliation may include written reprimands, or termination of employment. Although sanctions for violations of this policy can include any form of discipline as stated in this section, staff found to have committed sexual assault will most likely receive a sanction of termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to building restrictions, reassignment of work duties, training, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant and the community to a safe environment).

5. If the HRO finds that a **faculty member** has engaged in conduct that violates this policy, or other Middlebury policies under investigation, if applicable (absent or following an appeal of that finding in accordance with paragraph G3, above, if an appeal was granted), each party may submit to the CRT9 Coordinator a Sanction Statement sharing any thoughts they would like to have considered in the determination of a sanction. The CRT9 Coordinator will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority for the program at issue (e.g., the Middlebury College VPAA/Dean of Faculty, VPAA/Dean of the Institute, Vice President of the Language Schools, Dean of International Programs or Executive Vice President/Provost). The CRT9 Coordinator will also provide the Sanction Statements to the HRO, who after reviewing them will make a sanction recommendation to the appropriate supervisory authority. Sanctioning and appeals for faculty whose primary appointment is with the undergraduate college will follow the procedures for Middlebury College faculty, regardless of the program for which the individual was employed at the time of the incident.

After review of the HRO's recommendation, the supervisory authority will initiate procedures to determine and impose appropriate disciplinary action according to the procedures in existing Faculty Handbook policies and/or contracts, as applicable. Disciplinary sanctions may include written reprimands, salary freeze, or termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (including but not limited to remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to building restrictions, reassignment of classes or other work duties, training, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant and the community to a safe environment).

6. The complainant and respondent will be simultaneously informed, in writing, of (a) any disciplinary or other action arising out of an allegation of sexual misconduct, domestic or dating violence or misconduct, stalking, related retaliation or any other alleged policy violation that was investigated and adjudicated under this policy, and the rationale for the disciplinary and/or other action; (b) Middlebury's procedures for complainants and respondents to appeal the HRO's decision and/or discipline and/or actions imposed, if applicable; (c) any change to the results of a disciplinary process that occurs prior to the time that such results become final; and (d) when such results become final.

In explaining the rationale for the result, the supervisory authority will indicate: (1) how the evidence and information presented during the investigation and adjudication process was weighed; (2) how the standard of evidence was applied; and (3) how the evidence and information support the sanction determination.

7. Appeal procedures, if applicable, are described in [Section J, Appeals](#) below.

(I) Time Frames for the Investigation, Adjudication, and Determination of Sanctions

Middlebury endeavors to limit the period from the commencement of an investigation through its adjudication (determination issued by the HRO), exclusive of any appeal(s), to ninety (90) calendar days. This time frame may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for Middlebury breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. Once the investigation and adjudication process is initiated under Section 10 of this policy, the parties will be given notice of the date and time of any related meetings, interviews or proceedings that they may attend. While each party may have an advisor of choice, Middlebury will not permit advisor scheduling to unreasonably delay or extend the investigation and/or adjudication process. The CRT9 Coordinator will notify the parties in writing of any extension of this time frame and the reason for such extension. The CRT9 Coordinator will also consider extension requests from the parties.

The time frames applicable to appeals are stated in [Section J, Appeals](#), below.

Absent extenuating circumstances, the appropriate supervisory authority or responsible official will issue a decision regarding discipline and/or other appropriate action (for example, in the case of a faculty respondent who is subject to the Middlebury College Faculty Handbook, initiation of a Misconduct Review), to the extent applicable, within 5 days after the deadline for submission of Sanction Statements by the parties, or within 5 days after completion of any appeals of the HRO's original determination, as applicable (see "Appeals in Middlebury College Faculty-Respondent Cases"). In faculty or staff matters, this time period may be shorter or longer depending on the circumstances, including any contractual rights of the parties.

(J) Appeals

The complainant and respondent each has the right to appeal the outcome under the circumstances described below. Regardless of which party appeals, both parties may participate in the appeals process as provided below. The DTC will provide written notification to the complainant and the respondent of any applicable appeal procedures at the time the complainant and respondent receive notice of the result. The appeal procedures, if any, will vary depending on whether the respondent is a student, a staff member, or a member of the faculty. The purpose of an appeal is to review the adjudication process, the imposition of a sanction, or both, depending on which appeal procedure, if any, applies.

Appeals in Student-Respondent Cases

Appeals are accepted on the basis of one or more of the following:

- discovery of significant new factual material not available to the HRO that could have affected the original result; however, prior omission of factual information that the appealing party knew or should reasonably have known about is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness;
- abuse of discretion in the issuance of a sanction, meaning that the appropriate supervisory authority imposed a sanction significantly disproportionate to the offense.

Procedures

An appeal must be made in writing to the appellate officer for the program in connection with which the HRO determination, and sanction as applicable, was made. Therefore, an appeal must be directed to the VPAA/Dean of Faculty or designee (complaints against undergraduate students, including non-Middlebury students enrolled in Middlebury summer undergraduate courses), the Executive Vice President/Provost or designee (complaints against students enrolled in the Schools Abroad, Bread Loaf School of English, Bread Loaf Writers' Conference, School of the Environment, or the Language Schools), or the VPAA/Dean of the Institute or designee (complaints against Institute students), as applicable. See [Appendix B](#) for contact information.

In cases where the HRO refers a student-respondent matter to multiple supervisory authorities for further disciplinary action in accordance with [Section 10\(H\)3, Sanction](#), above, an appeal of the sanction(s) issued in the other Middlebury program(s) can also be made to the appellate officer(s) for the other Middlebury program(s). In cases where appeals are submitted to multiple supervisory authorities, those authorities may collaborate with each other as appropriate.

Appeals must be made within five days of receipt of the HRO's determination in cases where the respondent has not been found responsible for a policy violation, or within five days of receipt of the decision regarding sanctions and/or other actions, if applicable. The DTC/HRO and/or Middlebury official hearing the appeal may extend this deadline if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. Appeals transmitted via e-mail will be considered to be "in writing" for the purposes of this section.

The appealing party ("the appellant") must submit evidence and/or arguments they believe support any of the three grounds for appeal listed above, and their explanation of the evidence or arguments. The Middlebury official responsible for hearing the appeal (e.g., VPAA/Dean of the Faculty, Executive Vice President/Provost, VPAA/Dean of the Institute, or designee) will share these materials with and invite an informational response from the CRT9 Coordinator, HRO and/or the appropriate disciplinary authority, if applicable, and the other party ("the appellee"), who may respond within five business days of the request. The appellee's response will be shared with the appellant, who may submit a final response to only those matters raised by the appellee's response within five business days. The Middlebury official may extend these deadlines if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. The Middlebury official may request assistance from the original investigator, or from a new investigator, or any other relevant individual, as necessary.

The Middlebury official may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the original HRO or the appropriate disciplinary authority, as appropriate, for reconsideration; or
- appoint an Alternate HRO and/or disciplinary authority, as applicable, to review the case, which will ordinarily occur when the original outcome was deemed to be based on an abuse of discretion.

It is the responsibility of the Middlebury official to determine which aspects of the case merit a new review, and to direct the CRT9 Coordinator, HRO, or disciplinary authority, as appropriate, accordingly.

Absent extenuating circumstances, the Middlebury official will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty business days of the appeal receipt deadline, and will notify the CRT9 Coordinator, HRO or disciplinary authority, as applicable, in writing of any instructions for further action. This deadline may be extended if warranted by the circumstances; see [Section 10\(I\), Time Frames](#), above, for more information. If this deadline is extended, the parties will be notified in writing at the time the extension is determined.

The decision made by the Middlebury official to grant or deny the appeal is final. Should an appeal be granted, the subsequent determination and/or sanction is/are final.

Appeals in Non-Middlebury College Faculty Respondent Cases

Appeals are accepted on the basis of one or more of the following:

- discovery of significant new factual material not available to the HRO that could have affected the original result; however, prior omission of factual information that the appealing party knew or should reasonably have known about is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness;

- abuse of discretion in the issuance of a sanction, meaning that the appropriate supervisory authority imposed a sanction significantly disproportionate to the offense.

Procedures

An appeal in a case involving a faculty-respondent at the Institute, Schools Abroad, Bread Loaf School of English, Bread Loaf Writers' Conference, School of the Environment, MiddCORE or Language Schools must be made in writing to the Executive Vice President/Provost or designee. See [Appendix B](#) for contact information. Appeals in cases involving faculty respondents whose primary appointment is at Middlebury College must follow the procedures described below for cases involving Middlebury College faculty respondents, even if the case occurred while that individual was employed at one of the other programs.

Appeals must be made within five days of receipt of the HRO's determination in cases where the respondent has not been found responsible for a policy violation, or within five days of receipt of the decision regarding sanctions and/or other actions, if applicable. The CRT9 Coordinator/HRO and/or Executive Vice President/Provost may extend this deadline if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. Appeals transmitted via e-mail will be considered to be "in writing" for the purposes of this section.

The appealing party ("the appellant") must submit evidence and/or arguments that they believe support any of the three grounds for appeal listed above, and their explanation of the evidence or arguments. The executive vice president/provost will share these materials with and invite an informational response from the CRT9 Coordinator, HRO and/or the appropriate disciplinary authority, if applicable, and the other party ("the appellee") to the extent permitted by law, who may respond within five business days of the request. The appellee's response will be shared with the appellant, who may submit a final response to only those matters raised by the appellee's response within five business days. The Executive Vice President/Provost may extend these deadlines if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. The Executive Vice President/Provost may request assistance from the original investigator, or from a new investigator, or any other relevant individual, as necessary.

The Executive Vice President/Provost may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the original HRO or the appropriate disciplinary authority, as appropriate, for reconsideration; or
- appoint an Alternate HRO and/or disciplinary authority, as applicable, to review the case, which will ordinarily occur when the original outcome was deemed to be based on an abuse of discretion.

It is the responsibility of the Executive Vice President/Provost to determine which aspects of the case merit a new review, and to direct the CRT9 Coordinator, HRO, or disciplinary authority, as appropriate, accordingly.

Absent extenuating circumstances, the Executive Vice President/Provost will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty business days of the appeal receipt deadline, to the extent permitted by law, and will notify the CRT9 Coordinator, HRO or disciplinary authority, as applicable, in writing of any instructions for further action. This deadline may be extended if warranted by the circumstances; see [Section 10 \(I\), Time Frames](#), above, for more information. If this deadline is extended, the parties will be notified in writing at the time the extension is determined.

The decision made by the Executive Vice President/Provost to grant or deny the appeal is final. Should an appeal be granted, the subsequent determination and/or sanction is/are final.

Appeals in Middlebury College Faculty-Respondent Cases:

Appeals of the Determination

Appeals of the HRO's determination are accepted on the basis of one or more of the following:

- discovery of significant new factual material not available to the HRO that could have affected the original result; however, prior omission of factual information that the appealing party knew or should reasonably have known about is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness;

For cases involving Middlebury College faculty respondents, appeals of the determination are directed to the VPAA/Dean of Faculty ("VPAA/DoF").

Appeals must be made within five days of receipt of the HRO's determination. The CRT9 Coordinator/HRO and/or VPAA/DoF may extend this deadline if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. Appeals transmitted via e-mail will be considered to be "in writing" for the purposes of this section.

The appealing party ("the appellant") must submit evidence and/or arguments that they believe support either of the two grounds for appeal listed above, and their explanation of the evidence or arguments. The VPAA/DoF or designee will share these materials with and invite an informational response from the CRT9 Coordinator and HRO, and the other party ("the appellee") to the extent permitted by law, who may respond within five business days of the request. The appellee's response will be shared with the appellant, who may submit a final response to only those matters raised by the appellee's response within five business days. The VPAA/DoF may extend these deadlines if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. The VPAA/DoF may request assistance from the original investigator, or from a new investigator, or any other relevant individual, as necessary.

The VPAA/DoF may deny the appeal, or if one or both of the appeal grounds have been met, may:

- return the case to the original HRO for reconsideration of the determination, or
- appoint an Alternate HRO, as applicable, to review the case, which will ordinarily occur when the original determination was deemed to be based on an abuse of discretion.

It is the responsibility of the VPAA/DoF to determine which aspects of the case merit a new review, and to direct the HRO accordingly.

Absent extenuating circumstances, the VPAA/DoF will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty days of the appeal receipt deadline, to the extent permitted by law, and will notify the HRO in writing of any instructions for further action. These deadlines may be extended to complete any applicable appeal procedures.

The decision made by the VPAA/DoF to grant or deny the appeal is final. Should an appeal be granted, the subsequent determination is final.

Appeals of the Sanction

Appeals of the sanction in faculty-respondent cases are accepted on the following ground:

- abuse of discretion in the issuance of a sanction, meaning that the appropriate supervisory authority imposed a sanction significantly disproportionate to the offense.

For cases involving a Middlebury College faculty respondent in which a Misconduct Review by the Promotions Committee was not undertaken in determination of a sanction, appeals of the sanction are directed to the Promotions Committee (PC). The appealing party ("the appellant") must submit evidence and/or arguments that they believe support the ground of abuse of discretion listed above, and their explanation of the evidence or arguments. The Promotions Committee will share these materials with and invite an informational response from the other party ("the appellee") to the extent permitted by law, who may respond within five business days of the request. The appellee's response will be shared with the appellant, who may submit a final response to only those matters raised by the appellee's response within five business days. The Promotions Committee may extend these deadlines if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. The Promotions Committee may request assistance from the original investigator, or from a new investigator, or any other relevant individual, as necessary.

The Promotions Committee may, after consideration of the appeal and any response from the appellee, uphold the sanction, impose a different sanction, or undertake a review of contract in accordance with the procedures outlined in the Faculty Misconduct Policy in the Middlebury College Faculty Handbook. Any further review of the matter will proceed according to the terms of the Faculty Misconduct Policy, affording, however, equivalent opportunity for participation by the complainant and the faculty respondent.

For cases involving a Middlebury College faculty respondent in which a Misconduct Review by the Promotions Committee was undertaken in determination of a sanction, no appeal of the sanction is permitted if the original sanction was decided by a Hearing Panel of the Board of

Trustees. In cases in which a Misconduct Review was undertaken but no Hearing Panel of the Board of Trustees was convened—which would be the case if the Promotions Committee and the provost agreed on the recommended sanction—the complainant and/or respondent may appeal the sanction to a Hearing Panel of the Board of Trustees, who will conduct a misconduct review as specified in the Faculty Misconduct Policy in the Middlebury College Faculty Handbook.

Appeals must be made within five days of receipt of the decision regarding sanctions and/or other actions, if applicable. The CRT9 Coordinator/HRO and/or VPAA/DoF may extend this deadline if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information. Appeals transmitted via e-mail will be considered to be “in writing” for the purposes of this section.

The appealing party (“the appellant”) must submit evidence and/or arguments that they believe support the ground of abuse of discretion listed above, and their explanation of the evidence or arguments. The VPAA/DoF or designee will share these materials with and invite an informational response from the Promotions Committee, the provost, and the other party (“the appellee”) to the extent permitted by law, who may respond within five business days of the request. The appellee’s response will be shared with the appellant, who may submit a final response to only those matters raised by the appellee’s response within five business days. The VPAA/DoF may extend these deadlines if warranted by the circumstances; please see [Section 10\(I\), Time Frames](#), above, for more information.

Absent extenuating circumstances, the VPAA/DoF will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty business days of the appeal receipt deadline, to the extent permitted by law, and will notify the disciplinary authority, as applicable, in writing of any instructions for further action. These deadlines may need to be extended to complete the applicable appeal procedures.

All sanctioning decisions by the Promotions Committee or a Hearing Panel of the Board of Trustees and following a second review of the case, as applicable, are final.

(K) Admission of Responsibility

If at any point a respondent chooses to accept responsibility for violating all policies under investigation, the HRO will issue a determination and refer the matter to the appropriate supervisory authority or authorities for the program at issue in accordance with [Section 10\(H\)3, Sanction](#), above. In all cases, the appropriate supervisory authority or authorities will issue a sanction and/or take other action that is reasonably calculated to address the prohibited conduct and prevent its recurrence.

11. Scope of Oversight (Students)

Students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Middlebury program and their graduation or completion of their program, or Middlebury’s confirmation of their resignation or expulsion. Conduct that takes place on or near Middlebury premises or property; occurs at or in connection with a Middlebury-

related event; or occurs off-campus but may represent a threat to the safety of the Middlebury community or any of its members, the pursuit of its objectives, and/or the educational environment of others, may be subject to Middlebury's disciplinary process. Middlebury retains sole discretion to determine whether to initiate an investigation and adjudication under this policy regardless of the outcome of any disciplinary proceeding conducted by a non-Middlebury institution or program and/or the outcome of any law enforcement investigation or court proceeding.

In cases where a student is found responsible for a policy violation while participating in any Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program in which the student is or will be enrolled for other action as deemed appropriate (see also [Section 10\(H\)3, Sanction](#), above). This may include but is not limited to further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury program.

12. Pending Discipline (Students)

A student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a program in which they are enrolled while a disciplinary matter is pending; the student's graduation or certification will be held in abeyance until the matter is resolved. If a respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to Middlebury. The student's official status at Middlebury will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, a review of the case, and consideration of Middlebury's best interests, grant permission for a respondent to withdraw from Middlebury when a disciplinary matter is pending. If the student is readmitted to Middlebury, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by Middlebury).

13. Emergency Withdrawal, Suspension, or Expulsion (Students)

Middlebury reserves the right, notwithstanding and apart from the procedures described above, on an emergency basis, to suspend, expel or require to withdraw any student whose presence at Middlebury is determined by Middlebury authorities (e.g., Vice President for Student Affairs; VPAA/Dean of the Language Schools; Dean of International Programs; Dean of Enrollment, Advising and Student Services for the Institute; or the appropriate supervisory authority for the program, as applicable) to pose a danger to the Middlebury community or its members or to be unduly disruptive of College life, or who appears to be unwilling or incapable of effectively

and/or safely participating in Middlebury's academic or other programs and/or residential life. In cases of emergency suspension or required withdrawal, the conditions and procedures for readmission will be determined and communicated in writing to the student once the circumstances surrounding the student's departure have been clarified.

Nothing in this policy should be read to limit Middlebury's rights to terminate or suspend the employment of any staff or faculty member under otherwise-applicable Middlebury policies, practices, contracts, or procedures.

14. Training of Individuals Conducting Investigations and Adjudications

Individuals conducting investigations and adjudications under this policy will receive training annually on issues related to sexual misconduct, domestic violence, dating violence, stalking, and related retaliation and on how to conduct a prompt, fair, and impartial investigation and/or adjudication process that protects the safety of complainants and promotes accountability.

15. Plans or Directives Issued by Middlebury Officials

In any case in which a finding of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation has been issued, violation of a plan or directive to address the prohibited conduct may be grounds for further discipline.

16. Cooperation of All Parties

All witnesses identified in connection with an investigation under this policy are expected to cooperate fully in the investigation by providing complete, accurate, and truthful information. This policy prohibits intentionally making a false report or providing false or misleading information in any investigation under this policy. Complainants will not be deemed to have provided false or misleading information under this policy if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation.

Witnesses may be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the investigation interview confidential. Failure to cooperate fully with the investigator or other Middlebury official (including but not limited to providing false information, as described above) may subject the employee or student to the full range of disciplinary actions available to the supervising authority or responsible official in accordance with the program's existing policies and/or contracts, as applicable, up to and including termination of employment or suspension or expulsion from Middlebury.

17. Policy Access

This policy is available online at <http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-policies/smdvs>. Printed copies of the policy are also available upon request at several Middlebury offices, including [Vice President for Student Affairs](#), [CRT9 Coordinator](#),

[HROs](#), [Commons deans](#), [VPAA/DoF](#), [Public Safety](#), [Human Resources](#), [VPAA/Dean of Language Schools](#), [Dean of International Programs](#) and the appropriate supervisory authority for the Institute or other Middlebury program. This policy may be amended from time to time; the policy published on Middlebury's Web site should be consulted for any updates. The amended policy, as published through Middlebury's Web site, shall supersede wholly any prior versions of the policy. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing this policy and/or filing or pursuing a complaint under the policy, upon request.

18. Disabilities

Students registered with the [Student Accessibility Services Office](#) can request accommodations to ensure their full and equal participation in any conduct process and/or proceeding. Accommodation requests may be made directly to the CRT9 Coordinator. Accommodations are determined on an individual basis in consultation with the ADA Coordinator. Employees with disabilities may contact Human Resources.

19. Record Keeping

The HROs and the CRT9 Coordinator will keep confidential records and/or reports under this policy and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training. The CRT9 Coordinator/HRO will track reports under this policy for statistical purposes and report to the president concerning the number, nature and disposition of such reports.

Contact information for the CRT9 Coordinator and HROs is set forth in [Appendix B](#), below.

20. Middlebury Faculty and Staff as Advisors

A Middlebury faculty or staff member who agrees to serve as an advisor to a complainant or respondent is not an agent of Middlebury when acting in that capacity and does not speak or act on Middlebury's behalf while serving as an advisor. The relationship between a party and non-confidential advisor is not confidential (or privileged), and the faculty or staff member's duties to Middlebury—including all reporting obligations—remain intact. Before agreeing to serve as an advisor, faculty and staff members should evaluate whether any conflict or potential conflict of interest may warrant their declining the invitation to serve as an advisor. In addition, only licensed attorneys can provide legal advice. As such, parties seeking legal advice should consult their attorney.

Appendix A: Applicable Definitions: U.S. State and Federal Law where Middlebury Operates Programs

Revised April 2, 2019

- [Vermont](#)
- [California](#)
- [District of Columbia](#)
- [New Mexico](#)
- [The Violence Against Women Act](#)

VERMONT

Consent is defined to mean “words or actions by a person indicating a voluntary agreement to engage in a sexual act” ([13 V.S.A. § 3251\(3\)](#)).

Sexual Assault: Sexual assault is engaging in a sexual act with another person and compelling the other person to participate in a sexual act:

- (1) without the consent of the other person; or
- (2) by threatening or coercing the other person; or
- (3) by placing the other person in fear of imminent bodily injury.

No person shall engage in a sexual act with another person and substantially impair the ability of the other person by administering or employing drugs or intoxicants without the knowledge of or against the will of the other person ([13 V.S.A. § 3252](#)).

A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or object into the genital or anal opening of another. ([13 V.S.A. § 3251\(1\)](#)).

Domestic Violence: Domestic assault is attempting to cause or to willfully or recklessly cause bodily injury to a family or household member or to willfully cause a family or household member to fear imminent serious bodily injury ([13 V.S.A. § 1042](#)). “Household members” are those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated ([15 V.S.A. § 1101\(2\)](#)).

Dating Violence: Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury ([13 V.S.A. § 1042](#)).

“Dating” is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:

- (a) the nature of the relationship;
- (b) the length of time the relationship has existed;

(c) the frequency of the interaction between the parties; and

(d) the length of time since the relationship ended, if applicable ([15 V.S.A. § 1101\(2\)](#)).

Stalking: “Stalking” is defined to mean engaging in a course of conduct which consists of following, lying in wait for, or harassing a person, when such conduct:

(a) serves no legitimate purpose; and

(b) would cause a reasonable person to fear for his or her physical safety or health or would cause a reasonable person to suffer emotional distress.

“Following” means maintaining, over a period of time, a visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury or death.

“Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.

“Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent ([13 V.S.A. § 1061](#)).

CALIFORNIA

Consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution for rape, forcible acts of sexual penetration, sodomy or oral copulation ([Cal. Penal Code § 261.6](#)). Evidence that a victim suggested, requested, or otherwise communicated to the accused that the accused use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent ([Cal. Penal Code § 261.7](#)).

Sexual Assault: “Rape” is defined as an act of sexual intercourse accomplished:

(1) where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent;

(2) against a person’s will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury to the person or another;

(3) where a person is prevented from resisting by any intoxicating or anesthetic substance, of any controlled substances, and this condition was known, or reasonably should have been known, to the accused; or

(4) where a person is incapable of resisting, and this is known to the accused, because the person:

(a) was unconscious or asleep;

(b) was not aware, knowing, perceiving, or cognizant that the act occurred;

(c) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the accused's fraud in fact; or

(d) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the accused's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose ([Cal. Penal Code § 261](#)).

Any sexual penetration, however slight, is sufficient to complete the crime of rape ([Cal. Penal Code § 263](#)).

“Forcible acts of sexual penetration” is the act of causing penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the accused's or another's person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by an unknown object ([Cal. Penal Code § 289](#)).¹

“Sexual battery” is the touching of an intimate part of another person if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse. “Touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female ([Cal. Penal Code § 243.4](#)).

Domestic Violence: Domestic violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the accused has had a child or is having or has had a dating or engagement relationship. A “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

(1) sexual relations between the parties while sharing the same living quarters;

(2) sharing of income or expenses;

(3) joint use or ownership of property;

- (4) whether the parties hold themselves out as husband and wife;
- (5) the continuity of the relationship; and
- (6) the length of the relationship ([Cal. Penal Code § 13700\(b\)](#)).

“Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another ([Cal. Penal Code § 13700\(a\)](#)). California recognizes the crime of spousal rape ([Cal. Penal Code § 262](#)).

Dating Violence: Domestic violence includes abuse committed against a person with whom the accused is having or has had a dating or engagement relationship [Cal. Penal Code § 13700\(b\)](#). A “dating relationship” means frequent, intimate associates primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations ([Cal. Penal Code § 243\(f\)\(10\)](#)).

Stalking: “Stalking” means willfully, maliciously, and repeatedly following or harassing a person and making a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family.

“Harassing” means to engage in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose.

“Course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.

“Credible threat” means a verbal or written threat, including that performed through an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the accused had the intent to actually carry out the threat. The present incarceration of a person making the threat is not a bar to criminal prosecution.

“Electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, and pagers.

“Immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household ([Cal. Penal Code § 646.9](#)).

DISTRICT OF COLUMBIA

Consent, with respect to sexual abuse criminal offenses, is defined as “words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent” ([D.C. Code § 22-3003](#)).

Sexual Assault: Second degree sexual abuse is defined as engaging in or causing another person to engage in a sexual act:

(1) By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

(2) Where the person knows or has reason to know that the other person is:

(A) Incapable of appraising the nature of the conduct;

(B) Incapable of declining participation in that sexual act; or

(C) Incapable of communicating unwillingness to engage in that sexual act ([D.C. Code § 22-3003](#)).

A “sexual act” means (a) the penetration, however slight, of the anus or vulva of another by a penis; (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or (c) the penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person ([D.C. Code § 22-3001\(8\)\(A\)-\(C\)](#)). A sexual act does not require the emission of semen ([D.C. Code § 22-3001\(8\)\(D\)](#)).

Domestic Violence: Domestic assault means “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member. The term "domestic violence" includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone ([D.C. Code § 4-551\(1\)](#)).

Dating Violence: “Interpersonal violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person: (a) with whom the offender shares or has shared a mutual residence; or (b) who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender ([D.C. Code § 16-1001\(6\)](#)).

“Intimate partner violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person: (a) to whom the offender is or was married; (b) with whom the offender is or was in a domestic partnership; or (c) with whom the offender is or was in a romantic, dating, or sexual relationship ([D.C. Code § 16-1001\(7\)](#)).

Stalking: “Stalking” is defined as purposefully engaging in a course of conduct directed at a specific individual:

(1) With the intent to cause that individual to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress;

(2) That the person knows would cause that individual reasonably to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress; or

(3) That the person should have known would cause a reasonable person in the individual's circumstances to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress ([D.C. Code § 22-3133\(a\)](#)).

“To engage in a course of conduct” means directly or indirectly, or through one or more third persons, in person or by any means, on two or more occasions ([D.C. Code § 22-3132\(8\)](#)). “Any means” includes the use of a telephone, mail, delivery service, e-mail, website, or other method of communication or any device ([D.C. Code § 22-3132\(2\)](#)).]

Where a single act is of a continuing nature, each 24-hour period constitutes a separate occasion and the conduct on each of the occasions need not be the same as it is on the others ([D.C. Code § 22-3133\(c\)-\(d\)](#)). This section does not apply to constitutionally protected activity ([D.C. Code § 22-3133\(b\)](#)).

NEW MEXICO

Consent: There is no separate statutory definition for consent or nonconsensual sexual contact under New Mexico law but “force or coercion,” with respect to sexual offenses, is defined to include the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act ([N.M. Stat. Ann. § 30-9-10\(A\)\(4\)](#)).

Sexual Assault: “Criminal sexual penetration” is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission ([N.M. Stat. Ann. § 30-9-11\(A\)](#)).

“Criminal sexual contact” is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts ([N.M. Stat. Ann. § 30-9-12\(A\)](#)). “Intimate parts” means the primary genital area, groin, buttocks, anus or breast ([N.M. Stat. Ann. § 30-9-12\(E\)](#)).

Domestic Violence: The New Mexico Crimes Against Household Members Act prohibits assault and battery against household members ([N.M. Stat. Ann. § 30-3-10](#)). A “household member” means a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act ([N.M. Stat. Ann. § 30-3-11\(A\)](#)). “Assault” is an attempt to commit a battery against a household member or any unlawful act, threat or menacing conduct that causes a household member reasonably to believe that he or she is in danger of receiving an immediate battery ([N.M. Stat. Ann. § 30-3-12](#)). “Battery” is the unlawful, intentional touching or application of force to a household member, when done in a rude, insolent or angry manner ([N.M. Stat. Ann. § 30-3-15](#)).

Dating Violence: The definition of “household member” under the New Mexico Crimes Against Household Members Act includes a person with whom the perpetrator has had a continuing personal relationship A “continuing personal relationship” means a dating or intimate relationship ([N.M. Stat. Ann. § 30-3-11\(B\)](#)).

Harassment and Stalking: “Harassment” consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress ([N.M. Stat. Ann. § 30-3A-2\(A\)](#)).

“Stalking” consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual ([N.M. Stat. Ann. § 30-3A-3\(A\)](#)).

“Lawful authority” means within the scope of lawful employment or constitutionally protected activity ([N.M. Stat. Ann. § 30-3A-3\(B\)\(1\)](#)).

“Pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person ([N.M. Stat. Ann. § 30-3A-3\(B\)\(2\)](#)).

Definitions of Domestic Violence, Dating Violence and Stalking Under the Violence Against Women Act

Domestic Violence (42. U.S.C. §13925)

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. Dating Violence (42 U.S.C.

Dating Violence (42. U.S.C. §13925)

The term “dating violence” means violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship

(ii) The type of relationship

(iii) The frequency of interaction between the persons involved in the relationship

Stalking (42. U.S.C. §13925)

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) fear for his safety or the safety of others; of

(B) suffer substantial emotional distress

Appendix B: Contact Information for Filing Complaints

- [Middlebury Administrators](#)
- [Vermont: Federal/State Agencies](#)
- [California: Federal/State Agencies](#)
- [District of Columbia: Federal/District Agencies](#)
- [Nevada: Federal/State Agencies](#)
- [New Mexico: Federal/State Agencies](#)

Middlebury Administrators

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All Middlebury Programs

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Alternate Human Relations Officers

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Alternate Human Relations Officers (Middlebury Institute of International Studies at Monterey)

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Associate Dean of Student Services
Office of Student Services

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Bread Loaf School of English (Vermont)

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Bread Loaf School of English (New Mexico)

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Bread Loaf School of English (Oxford)

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Middlebury Summer Language Schools at Mills College

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802-443-3100
lxie@middlebury.edu

*The Civil Rights and Title IX Coordinator ("CRT9 Coordinator") works to comply with and carry out his/her responsibilities under Title IX of the Education Amendments of 1972 as amended ("Title IX"). In general, Title IX prohibits discrimination in educational programs on the basis of sex. Prohibited sex discrimination includes sexual harassment and sexual misconduct as defined in Middlebury's Anti-Harassment/Discrimination and Sexual Misconduct policies. The CRT9 Coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The CRT9 Coordinator is also responsible for facilitating the investigation and adjudication of sexual misconduct complaints in accordance with this policy. Other Middlebury officials may be designated to serve in this capacity as needed. See also Appendix D, below.

**Middlebury's human relations officers ("HRO") serve as the CRT9 Coordinator's designees for the purposes of coordinating sexual harassment training and education and overseeing investigations and adjudicating complaints under this policy and sexual harassment complaints and related retaliation under the Anti-Harassment/Discrimination policy. Alternate HROs serve in a similar capacity as the Title IX Coordinator's designee(s) when the HRO is unavailable or has a conflict of interest.

Federal/State Agencies

VERMONT

Emergencies: Dial 911

[Middlebury Police](#)

802.388.3191

[Vermont State Police](#)

802.388.4919

[U.S. Department of Education](#)

[Office for Civil Rights](#)

8th Floor

5 Post Office Square

Boston, MA 02109-3921

Phone: 617.289.0111

Fax: 617.289.0150

TDD: 800.877.8339

OCR.Boston@ed.gov

[Equal Employment Opportunity Commission](#)

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Phone: 800.669.4000

Fax: 617.565.3196

TTY: 1.800.669.6820
ASL Video: 844.234.5122

[Vermont Attorney General's Office, Civil Rights Unit](#)

109 State Street
Montpelier, VT 05609-1001
Phone: 802.828.3171
TTY: 802.828.3665
ago.civilrights@vermont.gov

[Vermont Human Rights Commission](#)

14-16 Baldwin Street
Montpelier, VT 05633-6301
Phone: 800.416.2010 or 802.828.1625
Fax: 802.828.2481
TTY: 877.294.9200
human.rights@vermont.gov

CALIFORNIA

Emergencies: Dial 911

[Monterey Police Department](#)

351 Madison Street Monterey, CA 93940
831.646.3914

[Oakland Police Department](#)

455 7th Street
Oakland, CA 94607
510.777.3211, cell phone emergency
Other (not an emergency): 510.777.3333, 510.238.3455

[Office for Civil Rights](#)

U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Phone: 415.486.5555
Fax: 415.486.5570
TDD:800.877.8339
ocr.sanfrancisco@ed.gov

[Equal Employment Opportunity Commission](#) (Monterey, CA)

96 N. Third St., Suite 250
San Jose, CA 95112
Phone: 800.669.4000

Fax:408.291.4539
TTY: 800.669.6820
ASL: 844.234.5122

[Equal Employment Opportunity Commission](#) (Oakland, CA)

1301 Clay Street
Suite 1170-N
Oakland, CA 94612-5217
Phone: 800.669.4000
Fax: 510.637.3235
TTY: 800.669.6820
ASL: 844.234.5122

[Department of Fair Employment and Housing \(DFEH\)](#)

2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
Phone: 800.884.1684
TTY: 800.700.2320
contact.center@dfeh.ca.gov

DISTRICT OF COLUMBIA

Emergencies: Dial 911

[Washington DC Metropolitan Police Department](#)

300 Indiana Avenue, NW
Washington, DC 20001
Telephone: 202-727-9099
TTY: 711
Email:mpd@dc.gov

Second District Station
3320 Idaho Avenue, NW
Washington, DC 20016
Phone: 202-715-7300

[Office for Civil Rights](#)

U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-1475
Telephone: 202.453.6020
Fax: 202.453.6021
TTY: 800.377.8339
Email: OCR.DC@ed.gov

[Equal Employment Opportunity Commission](#)

131 N. M Street, NE
Fourth Floor, Suite 4NWO2F
Washington, D.C. 20507-0100
Telephone: 1.800.669.4000
Fax: 202.419.0739
TTY: 800.669.6820
ASL: 844.234.5122

NEW MEXICO

Emergencies: Dial 911

[Santa Fe, NM Police Department](#)

2525 Camino Entrada
Santa Fe, NM 87504-0909
505.955.5033 or 505.955.5006
Non-emergency: 505.428.3710
Fax: 505.955.5052

[Office for Civil Rights](#)

[U.S. Department of Education](#)

Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Phone: 303.844.5695
Fax: 303.844.4303
TTY: 800.877.8339
OCR.Denver@ed.gov

[Equal Employment Opportunity Commission](#) (Santa Fe, NM)

505 Marquette Avenue, NW
Suite 900 - 9th Floor
Albuquerque, NM 87102
Phone: 800.669.4000
Fax: 505.248.5192
TTY: 800.669.6820
ASL: 844.234.5122

[Human Rights Division](#)

New Mexico Department of Labor
1596 Pacheco Street, Suite 103
Santa Fe, NM 87505
Phone: 800.566.9471 or 505.827.6838

[New Mexico Higher Education Department](#)

2048 Galisteo Street
Santa Fe, NM 87505
Phone: 505.476.8400
Fax: 505.476.8453
<http://www.hed.state.nm.us/students/hed-student-complaint-form.aspx>

Appendix B: Updated June 28, 2019

Appendix C: Resources

- [Introduction and General Information](#)
- [Resources for Reporting Sexual Misconduct, Domestic or Dating Violence or Misconduct, Stalking, or Related Retaliation](#)
 - Reporting to Middlebury Officials
 - Reporting to Law Enforcement
- [Institutional, Local and State Resources in Vermont](#)
- [Institutional, Local and State Resources for Middlebury Programs outside of Vermont](#)
- [National Resources](#)

Introduction and General Information

Middlebury officials have several options that they can offer to complainants, as appropriate to the circumstances, including:

- i. discussion about options regarding different levels of addressing the conduct;
- ii. assistance with pursuing a formal complaint through Middlebury;
- iii. issuance of a No Trespass Notice or No Contact Order;
- iv. referral to institutional, local and national resources for services and accommodations;
- v. academic allowances or changes in living (for persons in residence on a Middlebury campus or in connection with a Middlebury program), transportation or working arrangements or other services or accommodations that are reasonably available and necessary in a particular case; and
- vi. assistance in seeking court orders and notifying proper law enforcement authorities, which Middlebury will provide, if the individual so chooses.

Reporting Sexual Misconduct, Domestic or Dating Violence or Misconduct, Stalking or Related Retaliation

Reports to Middlebury Officials

To report a complaint of sexual misconduct, domestic or dating violence or misconduct, stalking and/or related retaliation please contact the Civil Rights and Title IX Coordinator ("CRT9 Coordinator"), Human Relations Officer ("HRO"), and/or the appropriate supervisory authority for the Middlebury program, listed in [Appendix B](#). You may also contact the Department of Public Safety at 802.388.5133. (Please see [Appendix B](#) and below for other contact information and resources available for all Middlebury programs.)

Reports to Law Enforcement

Middlebury will offer and upon request provide assistance to students, employees and covered third parties with contacting law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Middlebury. Individuals have the option to notify such agencies with or without assistance from Middlebury, and have the option not to personally notify such authorities. Individuals may request assistance by contacting the CRT9 Coordinator, HRO, Title IX Coordinator, Public Safety or program director via email, phone, teleconference or in person. See contact information below.

A. Vermont

Emergencies: dial 911. In non-emergency situations, please call one of the following departments that serve Addison County. In most cases, you should contact the department of the town where the crime occurred:

- Middlebury Police Department: 802.388.3191
- Bristol Police Department: 802.453.2533
- Vergennes Police Department: 802.877.2201
- Addison County Sheriff's Department: 802.388.2981
- Vermont State Police: 802.241.5000

Please note that each department has a specific service area and their hours of operation may vary.

Some other things to keep in mind:

- You always have the right to report or not report a crime to law enforcement, except under certain circumstances:
 - If someone who is under 18 goes to the hospital for a SANE exam or if the hospital is aware of any crime to someone under the age of 18, the hospital is required to report the crime to the [Vermont Department for Children and Families](#) ("DCF"). It is possible that DCF could, in turn, report the crime to law enforcement without the knowledge or willingness of the person who experienced the crime.
 - Also, any crime involving a stabbing or a gunshot wound must be reported by hospitals to law enforcement, regardless of the age of the victim.
- If a victim of a crime chooses to report to law enforcement, confidential victim advocates from [WomenSafe](#) are available to accompany you and assist you with the process.

Middlebury officials or MiddSAFE advocates may also accompany you and facilitate contact with law enforcement.

- The law enforcement response to domestic violence, sexual violence, dating violence and stalking varies based on the crime, circumstances and context. Different law enforcement agencies may handle the same report differently.
- It is possible that if you report a crime to law enforcement, an investigation may be commenced and charges may be brought. Depending on the department and circumstances, your ability to control or influence the process after reporting may vary.

For more information and to talk through your options, please call WomenSafe's 24-hour hotline: 800.388.4205.

You may also find the following summaries from the [Vermont Network Against Domestic and Sexual Violence](#) helpful:

What will the police do if I report?

If you tell the police about what happened to you they may charge the person who assaulted you with a particular crime(s) and may arrest him or her. Because this is the criminal system, the police will have to decide whether what happened to you was a crime and when there is "probable cause." They will then decide whether or not to charge and arrest the perpetrator. A person charged with a crime is called a defendant. The choice of reporting a sexual assault to the police can be difficult. Advocates from your local network program are available to provide you more information about reporting and can support you in whatever you decide is right for you.

What happens after the perpetrator is arrested?

An arrest is the beginning of the criminal process. Once someone is arrested they may be released immediately, released at any point in the criminal process or, in severe cases, remain in jail. This will depend on many complicated legal factors. Defendants released from jail before the end of the case will be given "conditions of release" by the court. This is an order that the defendant must follow while the criminal case is going forward. Often the conditions will tell the defendant not to have contact with you as the victim of the crime. As a victim of a crime you have the right to know if and when the defendant is getting released from jail and his/her conditions of release. Some victims may have increased safety concerns following an arrest. You may call your local Network program for more information and support.

Prosecution of crimes of sexual violence

Following a charge/arrest, the police transfer the case to the prosecutor, also called the state's attorney. A prosecutor is a lawyer who works for the state through the state's attorney's office. The state's attorney's job is to continue to gather evidence to prove that the defendant committed the crime and to prepare the case against the defendant. The state's attorney decides how to proceed with the criminal case.

State's Attorneys' Victim Advocates

The state's attorney's office also has its own victim advocates. They provide information and updates on the case. They can also offer support and help with communicating your concerns and questions to the state's attorney. Because these advocates work for the state's attorney, they are

not confidential. This means that the state’s attorney’s advocates may be required to share relevant information you share about the case with the state’s attorney.

Sentencing

If the defendant pleads guilty or is found guilty after a trial, the judge will impose a sentence. A sentence may include a probation term, time in jail or a combination of both. In many cases, sentencing will also require the defendant to participate in a sex offender treatment program. You may be present in the court room during the sentencing if you want. As a victim you have the right to make a “Victim Impact Statement” to the court. This is your time to describe the impact that the crime had upon you and your family. An advocate or family member may read your Victim Impact Statement for you.

Department of Corrections

Once the defendant has been sentenced, the Department of Corrections (DOC) will supervise him/her for the duration of the sentence. DOC is responsible for ensuring that the offender is following the terms of the sentence. DOC’s Victim Services Program is available to provide information about the status of an offender and support to victims of crime whose offenders are in the custody of Vermont DOC. You can also register to receive automatic notifications by phone or email about the offender’s status. For more information, you can contact DOC’s Victim Services at (802) 241.2302 or online at <http://www.doc.state.vt.us/victim-services>.

Source: *Legal Options for Victims of Sexual Violence in Vermont*

B. Police Reports Outside Vermont

For information regarding police reports at other Middlebury program locations outside Vermont please see the links below.

Location	Program	Web Site
National	All	<p><i>Reporting to Law Enforcement:</i> https://www.rainn.org/articles/reporting-law-enforcement</p> <p><i>Abuse--Reporting to the Police: Options & Tips for Being Prepared</i> http://www.thehotline.org/2016/04/reporting-to-police-options-tips-for-being-prepared/</p> <p><i>Police Reports and Protective Orders:</i> http://www.thehotline.org/2014/09/quick-look-police-reports-and-protective-orders/</p>
California	Middlebury Institute of International Studies at Monterey/	<i>The Legal Process:</i> https://oag.ca.gov/publications/womansrights/ch7

	Middlebury at Mills Language Schools	
Kentucky	FoodWorks	<i>Crimes:</i> http://www.womenslaw.org/laws_state_type.php?id=225&state_code=KY
Nevada	MiddCOR E	<i>Crimes:</i> http://www.womenslaw.org/laws_state_type.php?id=236&state_code=NV
New Mexico	Bread Loaf School of English	<i>Crimes:</i> http://www.womenslaw.org/laws_state_type.php?id=239&state_code=NM#2
Schools Abroad	All Locations	Law enforcement procedures vary by location. Please contact <i>Sexual Assault Support and Help for Americans Abroad</i> : http://sashaa.org/ . SASHAA Advocates are available 24/7. You can reach the SASHAA Crisis Center by calling their institutional toll-free crisis line (http://sashaa.org/crisis-line), emailing them at crisis@866uswomen.org , or messaging them through live chat (see http://sashaa.net/). An advocate will reply to you within 24 hours, Monday through Friday. To find your AT&T USA Direct Access number, click here . For additional information, please consult our Schools Abroad site at: http://www.middlebury.edu/study-abroad/health/assault

Orders of Protection

In addition to (or instead of) Middlebury's processes, individuals who are being or who may have been subjected to sexual assault, domestic or dating violence, stalking and/or related retaliation may have the right to pursue such orders of protection, restraining orders and/or relief from abuse orders from United States courts or courts outside of the United States as applicable. Middlebury will support individuals if they wish to have Middlebury's assistance in making contact with law enforcement authorities and other external resources to seek such orders. Individuals may request assistance by contacting the CRT9 Coordinator, HRO, Public Safety or program director. Contact may be made via email, phone, teleconference or in person See contact information below. Middlebury will comply with and respect such orders to the extent applicable.

Additional Summaries from the National Domestic Violence Hotline:

A protective order is an official legal order issued by a state court that requires the abusive person to stop the violence and abuse and maintain a certain distance from the victim. Depending

on where you live, it can also be called a restraining order, protection order, an injunction, or an order of protection.

How do I get a protective order?

Different states have different processes, but as a general rule, appropriate forms have to be filled out and submitted to the county court house. A court date will be scheduled and both parties will be notified. If you are under 18, you will likely need parental consent.

Why would I get a protective order?

A protective order is legal protection against the abusive partner and can be enforced by police. Special provisions can be requested such as custody of children, continued financial support, getting the abuser to leave the residence, etc. Some states also require the abusive partner to surrender their firearms.

It's important to note that while a protective order may help keep an abusive partner away from you, it does not work in every case. Some abusive partners continue to contact and abuse their partners despite the presence of a protective order. Some may become even more dangerous after an order is filed because it threatens their power and control over the relationship. While you cannot predict someone's behavior, you know your situation best, and it's a good idea to consider how your partner might react based on what you know about them before obtaining a protection order.

What happens when I get a protective order?

When the abuser does something that the court has ordered them not to do, or doesn't do something the court has ordered them to do, they may have violated the order. You can ask the police or the court (or both, depending on the violation) to enforce the order. If you are not able to contact the police when the violation occurs, they should take a report if you call them soon afterwards. In some cases, violating a protective order might result in a misdemeanor or felony criminal conviction and punishment. These types of violations can also later be addressed by a civil court, and it is often a good idea to bring them to the court's attention.

Things to consider before obtaining a protective order:

- PROS: You will have legal documentation of protection; the abuse may stop; provisions can be made for children, finances, etc.; [can still be enforced if you move or leave your home state](#)
- CONS: You will have to see the abusive partner in court; abuse may not decrease/abusive partner may not obey the order; some orders are not always enforced

Please note that police reports and protective orders are just parts of an overall [safety plan](#) and do not guarantee your safety from an abusive partner. *Remember, you are the most knowledgeable person about your own situation, and you must use your own judgment about what is best for you.* If you are considering taking legal steps against an abusive partner, we strongly recommend that you get in touch with a legal advocate, and we can help you find one in your area. Please call us at 1-800-799-7233 or chat online from 7am-2am CST.

Resources and additional information:

- [VINE \(Victim Information & Notification Everyday\)](#): This service provides information about criminal cases and the custody status of offenders 24 hours a day
- Full Faith and Credit: Refers to Section 2265 of VAWA and requires that a valid protection order issued in one state be treated another state as if it were one of its own. It enables the victim to travel safely without having to establish jurisdiction or secure a new protective order.
- [WomensLaw](#) provides legal information and support to victims of domestic violence and assault.
- [Legal Services Corporation](#) provides legal assistance to low-income individuals and families throughout the nation.”

Domestic Violence Hotline: <http://www.thehotline.org/2014/09/quick-look-police-reports-and-protective-orders/>

For more information about Protection Orders and Relief from Abuse Orders in Vermont (including how to apply for an order and how the order is enforced, please see [Legal Options for Victims of Sexual Violence in Vermont](#). See also [The National Domestic Abuse Hotline Website](#), which provides information about orders of protection (<http://www.thehotline.org/2014/09/quick-look-police-reports-and-protective-orders/>). See also [Reporting to Police: Options and Tips for Being Prepared](#).

Finally, please note that it is not necessary to file a complaint with Middlebury, participate in an adjudication process, or file a criminal complaint in order to request from Middlebury services or accommodations designed to preserve safety or restrict contact between a student, employee or (third party) and another individual. These may include but are not limited to No Contact Orders between the parties, No Trespass Notices, academic or residential accommodations, changing transportation or working situations, or providing other employment accommodations, and/or other support resources, as appropriate (see, e.g., below). Middlebury personnel will identify appropriate options and work with complainants to determine whether these services or accommodations are reasonably available and necessary in a particular case. See [6. Services and Accommodations](#) above for more information.

Institutional, Local and State Resources in Vermont

On Campus

[Department of Public Safety](#)

802.443.5911

Off Campus

[Middlebury Police](#) or [Vermont State Police](#)

802.388-3191

802.388-4919

Emergency: 911

You may also report an assault to the police. Assaults on campus should be reported to the Middlebury Police Department. Assaults occurring in Vermont, but outside the town of Middlebury, should be reported to the Vermont State Police. Assaults that occur outside of Vermont should be reported to the police department that serves the location where the assault took place.

[Addison County State's Attorney's Office](#): 802.388.7931.

Confidential Resources

On Campus

[Parton Center for Health and Wellness](#) (Students Only)

Health Services

802.443.5135

Middlebury has a Sexual Assault Nurse Examiner (SANE) on staff at the Parton. She has received specialized training to provide comprehensive care to survivors of sexual assault, including physical assessment and collection of forensic evidence using a Sexual Assault Evidence Kit ("Rape Kit"). Having evidence collected does not commit you to filing a complaint with Middlebury or charges with the police. It will allow you to preserve evidence while you take time to decide if you want to file a report and/or press charges. If you bathe, change clothes or otherwise alter your physical condition before having evidence collected, then you may be washing away valuable evidence. A lengthy delay in reporting may make evidence more difficult to collect.

To contact the SANE call 802.443.5135. After hours the phone message will direct you to the appropriate contact number, or you can call the Counseling Service of Addison County (CSAC) directly at 802.388.7641 and they will connect you with the SANE and other resources. The SANE is typically available 24-hours-a-day. When she is not available, please see the information under *Porter Hospital Emergency Room* below.

Care is provided to students at no cost. Lab tests, medical care, and medications provided by the Health Center will be paid for by the Vermont Center for Crime Victim Services at the student's request.

These services are confidential and information is not shared without the student's written permission, except in the limited circumstances described herein. Health care professionals are required to report to law enforcement authorities the sexual assault of a person under the age of 18, or where there is risk of immediate danger to self, others or property. Consequently, in some circumstances, providers may not be able – legally or ethically – to maintain confidentiality.

[Counseling Services](#) (Students Only)

802.443.5141

Short-term and crisis counseling is available through for students who have been sexually assaulted or have had an upsetting sexual encounter. These services are confidential, except in the limited circumstances described herein. Mental health professionals are required to report to law enforcement authorities the sexual assault of a person under the age of 18, or where there is

risk of immediate danger to self, others, or property. Consequently, in some circumstances, providers may not be able – legally or ethically – to maintain confidentiality.

When Parton Center for Health and Wellness is closed: call CSAC at 802.388.7641, and they will connect you with the appropriate resources.

[MiddSafe: Middlebury Safe and Confidential Advocates](#) (undergraduate program only; excludes undergraduate academic breaks)

802.377.0239

MiddSafe advocates are Middlebury College students, faculty, and staff committed to providing a safe and confidential resource for our peers in need of support and information around sexual assault, stalking, dating violence, domestic violence, and other personal violations. The group's goal is to exist as a non-judgmental, compassionate, and effective system for individuals in emergency and non-crisis situations. Advocates provide a menu of options to guide students towards medical, legal, and emotional resources on local, state, and national levels. MiddSafe advocates offer the following advocacy services:

- Hotline operated by volunteer student advocates 24 hours a day, 7 days a week, excluding undergraduate academic breaks on the Vermont campus.
- Faculty and staff advocates available during their regular office hours to serve in their confidential advocate capacity.
- All advocates can provide referrals to on- and off-campus services to offer support and advocacy (e.g. appointments at Parton Health and Wellness Center or Porter hospital, meetings with deans, professors, Public Safety, the Civil Rights and Title IX Coordinator, and making contact with Counseling Services of Addison County or Middlebury Police Department)
- All advocates have received training to support individuals engaged in the campus judicial process, should someone choose an advocate as their designated support person.

[College Chaplain](#)

802.443.5626

The College chaplains are available to provide supportive *confidential* counseling of all kinds, faith-based or otherwise.

Off Campus

[Porter Hospital](#)

802.388.4701

If the Health Center is closed, or if you prefer to seek treatment off campus, you may receive care at Porter Hospital's Emergency Room. The Department of Public Safety can provide transportation, and it is not necessary to share information with them about the nature of your emergency.

Porter Hospital staff offers medical treatment and can collect physical evidence. There may be a Sexual Assault Nurse Examiner available, but this is not guaranteed. You may want to call in

advance to request that a SANE be made available, if possible, before you come in. Please see the recommendations above under Parton Health Services regarding evidence collection.

[Counseling Service of Addison County \(CSAC\)](#)

802.388.6751; after hours or in emergencies, call 802.388.7641

CSAC offers a wide range of professional mental health and developmental services designed to meet the needs of those seeking help. Their staff includes persons trained in developmental services, substance abuse treatment, psychiatry, psychology, mental health counseling, and social work. They provide emergency counseling 24 hours a day at the number above. Services may be provided over the phone or in person.

Independent Counselors

In addition to CSAC, there are a number of independent counselors in Addison County with experience working with survivors of sexual assault. For assistance choosing a counselor, you can talk with any member of the Middlebury counseling staff or other individuals with whom you feel comfortable.

[Employee and Family Assistance Program](#) (for staff and faculty)

1.800.828.6025

Middlebury's Employee and Family Assistance Plan provides confidential counseling and referral services to reduce stress and improve the quality of life for employees. The EFAP provides confidential assessment and referral services, and short-term counseling. The services of the EFAP are free to employees, up to the limits of the plan. All assistance is confidential; no one at Middlebury College will know that an employee has used the EFAP.

[WomenSafe 24-Hour Hotline](#)

1.800.388.4205; Office, 802.388.4205

Based in Middlebury, WomenSafe is a local non-profit organization providing crisis intervention, problem-solving assistance, safety planning, and emotional support to survivors of physical, sexual and/or emotional abuse, including female, male, and transgender members of the Middlebury community. They also provide medical and legal advocacy, and support groups for female survivors.

[SafeSpace Vermont](#)

866.869.7341 or 802.863.0003

SafeSpace, a service of the RU12? Community Center, provides information, support, referrals, and advocacy to lesbian, gay, bisexual, transgender, queer and questioning survivors of violence and offers education and outreach programs in the wider community. Support services include a hotline during established hours, direct advocacy, one-on-one support, and support groups.

Vermont Statewide Emergency Number

800.489.RAPE

This number will automatically connect the caller with the local Domestic Violence/Sexual Assault program.

For Victims with Disabilities: 800.489.7273

This number will automatically connect the caller with the local program for crisis intervention, peer counseling, court advocacy, information, referral and other services.

Legal Assistance

Vermont Legal Aid: 800.889.2047; <http://www.vtlegalaid.org/>

Vermont Bar Association: <https://www.vtbar.org/>

Institutional, Local and State Resources for Middlebury Programs Outside of Vermont

Please contact the Human Relations Officer or on-site administrator for further information pertaining to Middlebury programs elsewhere ([Appendix B](#)).

Bread Loaf School of English (New Mexico)

On Campus

[St. Johns College Security Department](#)

Telephone: 505.984.6000 or 505.984.6025 or 505.660.8177

Dial 0 from any Campus Phone

Jim Ardis, Director of Security and Safety
505.984.6125

Off Campus

[Santa Fe, New Mexico Police Department](#)

2515 Camino Entrada

Santa Fe, NM 87507

Mailing: P.O. Box 909

Santa Fe, NM 87504-0909

505.955.5033 or 505.955.5006

Non-emergency: 505.428.3710

Fax: 505.955.5052

Emergency: 9-1-1

[Christus St. Vincent Hospital](#)

455 St. Michael's Drive

Santa Fe, NM 87505

505.913.3361

St. Vincent Hospital provides services such as thorough medical examinations, prophylaxis, and evidence collection.

[Solace Crisis Treatment Center](#)

6601 Valentine Way
Santa Fe, NM 87507
800.721.7273 (24 hour crisis advocacy hotline)
505.988.1951

[The Rape Crisis Center of Central New Mexico](#)

Albuquerque, NM 87112
Business: 5052667712
Hotline: 8888118282

[New Mexico Coalition Against Domestic Violence](#)

505.246.9240
<http://www.nmcadv.org/about-us/>

[Domestic Violence Helpline \(NM Legal Aid\)](#)

505.243.4300 or 1.877.974.3400
<http://www.nmlegalaid.org/?q=content/domestic-violence-helpline>

Legal Referral Services

[State Bar of New Mexico](#)

1-800-876-6227
<http://www.hed.state.nm.us/institutions/complaints.aspx>

[New Mexico Legal Aid](#)

1.866.416.1922
<http://www.nmlegalaid.org/>

Middlebury Institute of International Studies - MIIS (Monterey, CA)

On Campus

[Office of Student Services](#)

440 Van Buren Street
Monterey, CA 93940
831.647.4128

[Campus Security](#)

831.647.4153

Off Campus

[Local Police Department](#)

Monterey Police Department
351 Madison Street Monterey, CA 93940
831.646.3914
Emergency: Call 911

[Monterey Rape Crisis Center](#)

831.375.HELP or 831.424.HELP

Suicide Prevention and Crisis Hotline: 831.649.8008

YWCA domestic violence crisis line: 831.372.6300

57 Webster Street

Monterey, CA 93940 (men & women)

[Monterey County Social Services](#)

1281 Broadway Ave.

Seaside, CA 93955

831.899.8001

[Shelter Outreach Plus Domestic Violence Shelter](#)

3087 Wittenmyer Court

Marina, CA - 93933

(831) 384-3388

Women's Crisis Center

831.757.1001

[Community Hospital of the Monterey Peninsula \(CHOMP\)](#)

23625 Holman Highway

Monterey, CA 93940

831. 624.5311 or 888.45CHOMP

Mental Health Crisis Line: 831.625.4623

[Salinas Valley Memorial Hospital](#)

450 E Romie Lane

Salinas, CA 93901

831.757.4333

[Planned Parenthood \(Seaside\)](#)

625 Hilby Avenue

Seaside, CA 93955

831.394.1691

[Planned Parenthood \(Salinas\)](#)

316 N. Main St.

Salinas, CA 93901

831.758.8261

Counseling

Student Assistance Program: Well Connect: 1.800.326-6142

Community Human Services Counseling and Recovery: 831.658.3811

Legal Assistance

Free and Low Cost Legal Help

<http://www.courts.ca.gov/selfhelp-lowcosthelp.htm>

Law HelpCA.org (legal aid and self-help resources)

<http://lawhelpca.org/>

California Bar Association

415-538-2000

<http://www.calbar.ca.gov/>

Middlebury at Mills College

On Campus

Mills College Public Safety

510.430.5555 (for emergency assistance)

Off Campus

Oakland Police Department

455 7th Street

Oakland, CA 94607

510.777.3211, cell phone emergency

Other (not an emergency): 510.777.3333, 510.238.3455

Emergency 9-1-1

Licensed Counselor

Thomas Zurfluh, Psy.D,

2154 Broderick Street, San Francisco, CA 94115

415.789.8383

thomas.zurfluh.psyd@gmail.com

Bay Area Women Against Rape (BAWAR)

BAWAR, the nation's first rape crisis center, was formed in 1971. BAWAR provides free in-person counseling to survivors of sexual assault and their significant others. It also offers accompaniment to police, court and hospital, a 24-hour hotline, support groups, and community education.

24 hour free hotline: 510.845.RAPE (7273)

Office: 510.430.1298

470 27th Street

Oakland, CA 94612, located within the Alameda County Family Justice Center (www.acfjc.org)

[Highland Sexual Assault Center](#)

Highland Hospital Campus
1411 East 31st Street
Oakland, CA 94602
Hotline: 510.534.9290
Business: 510.534.9291

[San Francisco Women Against Rape \(SFWAR\)](#)

SFWAR offers 1-to-1 peer counseling, support groups, a 24-hour support hotline, medical and legal advocacy, and referrals.

24 hour free hotline: 415.647.RAPE (7273)

Office: 415.861.2024

3542 18th Street, #7

San Francisco, CA 94110

[San Francisco Domestic Violence Consortium](#)

<http://www.dvcpartners.org/>

[Woman, Inc](#)

1.877.384.3578

<http://www.womaninc.org/>

[Legal Assistance](#)

[Free and Low Cost Legal Help](#)

<http://www.courts.ca.gov/selfhelp-lowcosthelp.htm>

[Law HelpCA.org \(legal aid and self-help resources\)](#)

<http://lawhelpca.org/>

[California Bar Association](#)

415-538-2000

<http://www.calbar.ca.gov/>

MiddCore at Sierra Nevada College

On Campus

Emergencies: Dial 911. Students can also dial 9-911 from a campus phone. Individuals should be prepared to let the dispatcher know that they are calling from Incline Village, NV. They should provide the dispatcher with their name, a description of the type of emergency and the location of the emergency

Campus Security: 775.626.3000 (7:00 AM-11:30 PM)

Patterson Hall Front Desk: 775.881.7572 (11:30 PM—7:00 AM)

Off Campus

Washoe County Sheriff's Office

911 Parr Blvd.
Reno, NV 89512
775.832.4107

Incline Village Community Hospital

880 Alder Ave.
Incline Village, NV 89451
775.833.4100
<http://www.tfhd.com/inclinehospital.asp>

The Rape Crisis Center of Southern Nevada

<http://www.therapeccrisiscenter.org/>

SARA

Carson City, NV 89702
Business: 775-883-7654
Hotline: 775-883-7654

Crisis Call Center/Sexual Assault Support Services

Reno , NV 89507
Business: 775-784-8085
Hotline: 1-800-992-5757

Family Support Council of Douglas County

Minden, NV 89423
Business: 775-782-8692
Hotline: 775-782-8692

Legal Assistance

NevadaLawHelp.org: <http://nevadalawhelp.org/>

Washington DC-CNS Center

Washington DC Metropolitan Police Department

300 Indiana Avenue, NW
Washington, DC 20001
Telephone: 202-727-9099
TTY: 711
Email: mpd@dc.gov

Second District Station
3320 Idaho Avenue, NW

Washington, DC 20016
Phone: 202-715-7300

24-hour Hotlines

[DC Rape Crisis Center](#)

5321 1st Place, NE
Washington, DC 20011
Telephone: 202-232-0789
Hotline: 202-333-7273
Hotline: 800-656-HOPE (4673)

Network for Victim Recovery of DC
Washington, DC 20011
Hotline: 1-800-641-4028

DC Crisis & Suicide Prevention Hotline
2512 Virginia Avenue, NW
Washington, DC 20037
Hotline: 202-552-4673

[DC Coalition Against Domestic Violence](#)

5 Thomas Circle, NW
Washington, DC 20005
Telephone: 202-299-1181

[My Sister's Place 24 Hour Hotline](#):202-529-5991

Medical Care & Emergency Rooms

[George Washington University Hospital](#)

900 23rd Street, NW
Washington, DC 20037
202-715-4000

[Howard University Hospital](#)

2041 Georgia Avenue, NW
Washington, D.C. 20060
Telephone: 202-865-6100

[Sibley Memorial Hospital](#)

5255 Loughboro Road, NW
Washington, D.C. 20016
Telephone: 202-537-4000

[Planned Parenthood](#)

Downtown Center
1108 16th Street, NW
Washington, DC 20036
Telephone: 202-347-8512

[Counseling Services](#)

[Counseling & Psychotherapy Services of DC](#)

5100 Wisconsin Avenue, NW
Washington, DC 20016
Telephone: 202-244-8855

National Resources

[Not Alone.gov](#)

<https://www.notalone.gov/>

<https://www.notalone.gov/resources/> (Locate services and resources in your area to receive support if you are in a crisis situation or if you want to speak with an advocate).

[National Domestic Violence Hotline \(24 hour\)](#)

1.800.799.SAFE

<http://www.thehotline.org/>

[National Sexual Assault Online Hotline](#)

[Domestic Abuse Helpline for Men and Women](#)

1.888.743.5754

<http://www.dahmw.org/>

[Stalking Resource Center](#)

<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

[Rape, Abuse, and Incest National Network \(RAINN\)](#)

1.800.656.HOPE [for men as well as women]

This comprehensive national resource includes a telephone and on-line hotline.

<http://www.rainn.org>

Appendix D: Civil Rights and Title IX Coordinator

Inquiries concerning the application of Title IX may be referred to Middlebury's Civil Rights and Title IX Coordinator, or to the United States Department of Education Office for Civil Rights (contact information is listed in [Appendix B](#)). The full text of [Middlebury's Nondiscrimination](#)

[Statement](http://www.middlebury.edu/about/handbook/policies-for-all/genl-principles/non-discrimination-statement) is available at <http://www.middlebury.edu/about/handbook/policies-for-all/genl-principles/non-discrimination-statement>. Printed copies are also available from the offices of the Vice President for Student Affairs, the Commons deans, the CRT9 Coordinator, HRO or the supervisory authority for the program at issue. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing [Middlebury's Nondiscrimination Statement](#), its [Anti-Harassment/Discrimination Policy](#) and this policy.

Middlebury's Civil Rights and Title IX Coordinator ("CRT9 Coordinator") coordinates Middlebury's efforts to comply with and carry out its responsibilities under Title IX. The CRT9 Coordinator's responsibilities include overseeing the process for handling all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Middlebury's Human Relations Officers serve as the CRT9 Coordinator's designee for the purposes of overseeing investigations and adjudicating sexual misconduct and related retaliation complaints under this policy and sexual harassment and related retaliation complaints under [Middlebury's Anti-Harassment/Discrimination Policy](#), respectively. Middlebury's Alternate Human Relations Officers serve in a similar capacity as the CRT9 Coordinator's designee(s) when the Human Relations Officer is unavailable or has a conflict of interest.

Appendix E: Campus Security Authorities (CSAs)

A Campus Security Authority (CSA) is someone to whom you can report a crime and includes the following groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- An individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, athletics, and campus judicial proceedings.

You report a crime when you bring it to the attention of a CSA, and that report should be made in good faith. The CSA will report to the public safety department or other designee at their respective campus. You can also make a report by filing out the Campus Security Authority crime-report form. This report will be forwarded to the Middlebury College Department of Public Safety. The CSA report form is located on the College's webpage:

<https://forms.middlebury.edu/offices/health/publicsafety/campus-security-authority-incident-report-form>

If a Middlebury student, staff or faculty person becomes aware of a crime or emergency or needs to make a request for related assistance connected with a noncampus location in the United States or abroad (that is, any building or property owned or controlled by Middlebury that is used in direct support of Middlebury's educational purposes and which is frequently used by students, but which is not within the same reasonably contiguous geographic area as one of Middlebury's campuses), they are encouraged to immediately contact the on-site director or designee.

The following are Campus Security Authorities:

Middlebury College Campus

[Associate Dean of the College and Director of Public Safety](#)

[Public Safety Staff](#)

[Vice President for Student Affairs](#)

[Senior Associate Dean of Students](#)

[Director of Student Activities and Orientation](#)

[Assistant Director of Student Activities For Programming & Events](#)

[Technical Coordinator, Student Activities](#)

[Director of Outdoor Programs & Club Sports](#)

[Club Sports Coaches](#)

[Commons System Faculty and Staff: Atwater, Brainerd, Cook, Ross:](#)

*Commons Deans

*Commons Coordinators

*Commons Residence Directors

*Community Assistants

*Resident Assistants

[Judicial Affairs Officer](#)

[Human Relations Officers](#)

[Civil Rights and Title IX Coordinator](#)

[Director of Health and Wellness Education](#)

[Assistant Director of Health and Wellness Education](#)

[Director of the Center for the Comparative Study of Race and Ethnicity and the Anderson Freeman Resource Center](#)

[Associate Director of the Anderson Freeman Resource Center](#)

[Associate Dean of the College for Creativity, Engagement and Careers](#)

[Faculty Director, Center for Creativity, Innovation & Social Entrepreneurship](#)

[Program Director, Center for Creativity, Innovation & Social Entrepreneurship](#)

[Director of Center for Community Engagement](#)

[Academic Director, Privilege & Poverty Academic Cluster, Center for Community Engagement](#)

[Program Director, Center for Community Engagement](#)

[Assistant Director, Center for Community Engagement and Language in Motion Program](#)

Coordinator

Posse Mentors

[Food and Garden Educator](#)

[Associate Director For Global Food and Farm Programs](#)

[MiddCORE Director](#)

Any faculty or staff who travel with students on programs to foreign or domestic locations

[Director of Athletics](#)

[Assistant Athletic Director, Senior Woman Administrator](#)

[Varsity and Junior Varsity Coaches](#)

Field House Monitors

[Environmental Health and Safety Coordinator](#)

Advisors/Cluster Managers for Student Groups or Organizations

[Bread Loaf School of English Sites](#)

Middlebury College Department of Public Safety 802-443-5133

Director, BLSE

Business hours: 802-443-5418; after hours: 802-443-2700

Associate Director, BLSE

Business hours: 802-443-5418; after hours: 802-443-2700

Director of Student and Academic Support Business hours: 802-443-5418; after hours: 802-443-2700

Campus Manager, BLSE, Ripton, VT

802-443-2762 or 802-458-7104; Pager No. 802-749-3456

Campus Coordinator, BLSE, Ripton, VT 802-443-5360

Night watch staff, Bread Loaf, Ripton, VT

802-443-2700

Front Desk Staff, Bread Loaf Inn, Ripton, VT 802-442-2700

Co-Directors, BLSE, NM

St. Johns' College, Santa Fe, NM

505-995-4084

Campus Coordinator, BLSE, Santa Fe, NM (802-443-5418)

Head Tutor, BLSE, Lincoln College, Oxford, England 011.44.1865.279608

Campus Coordinator, BLSE, Oxford, England 802-443-5277

[Middlebury at Mills College \(Oakland, CA\)](#)

Program directors, assistant directors and/or associate directors of each Language School, VPAA/Dean of the Language Schools, Assistant Dean of Language Schools, the Middlebury Operations Manager at Mills, the Middlebury Program Coordinator at Mills, Mills Associate Vice President for Operations, Public Safety staff at Middlebury College Public Safety, staff at Mills College, and Middlebury's CRT9 Coordinator and Human Relations Officers.

Middlebury Institute of International Studies at Monterey

Security Department staff
831.647.4153

Executive Assistant to the Vice President 831.647.3513

Human Resources Manager & Alternate Human Relations Officer
831.647.6404

Associate Dean of Student Services & Alternate Human Relations Officer
831.647.4128

Dean of Enrollment, Advising and Student Services 831.647.3553

Civil Rights and Title IX Coordinator 802.443.2147

Middlebury College Human Relations Officer 802.443.3426

Middlebury College Department of Public Safety 802.443.5133

Faculty or Staff who travel with students on Institute programs to foreign or domestic locations

Appendix F: Sanctions

Appendix F. Sanctions

Sanctions for Students

Sanctions for students found responsible for committing policy violations are listed below. Sanctions are designed to accomplish several goals: to deter harmful conduct; to cultivate responsibility and accountability to self and others; to address the underlying harm including the wellbeing or safety of any individual and/or the community; to eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others, if applicable; and to provide other appropriate forms of redress and/or rehabilitation. Sanctions are recorded in the student's file, and are not reflected on the academic transcript, except that Middlebury enrollment dates are part of the transcript record. Sanctions that constitute a form of official discipline, as noted below, are included in a student's permanent

record and may/must be disclosed by the respondent and/or by Middlebury under certain circumstances.

The sanctions below are listed in order of increasing severity.

Unofficial Forms of Discipline

Warnings: A verbal or written warning may be issued when a student has violated Middlebury policy. A warning is intended to educate the student about community standards, Middlebury policies and/or state laws, and the need to adhere to them. A warning is informal, unofficial discipline and is not part of the student's official record. Students who receive a warning can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Middlebury school or program. Warnings are taken into account in determining future disciplinary outcomes and may serve to make further violations of Middlebury regulations more serious.

Reprimands: A letter of reprimand may be issued when a student demonstrates an inability or unwillingness to abide by community standards by repeatedly violating Middlebury policy. A letter of reprimand may also be issued when a student has committed a violation of Middlebury policy that has had or may have had a negative impact on an individual or on the community, or has undermined Middlebury's community standards. A reprimand registers strongly Middlebury's concern regarding the student's actions and its firm expectations for immediate improved behavior.

Parents or guardians are informed when undergraduate students are reprimanded. A letter of reprimand is informal, unofficial discipline and is not part of the student's official record. Students who receive reprimands can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Middlebury school or program. Reprimands are taken into account in determining future disciplinary outcomes and may serve to make further violations of Middlebury regulations more serious.

Probationary Status: Students may be placed on probationary status when the number or nature of their Middlebury policy violation(s) is sufficiently concerning that an additional policy violation will most likely result in an [official form of discipline](#) (please see below). Probationary status provides students with an opportunity to avoid this outcome. They may do so by demonstrating improved conduct, generally reflected in their sustained ability to respect community standards and adhere to Middlebury policies.

If students commit new policy violations while on probationary status, an appropriate course of action will be determined. Considerations may include the gravity and impact of the new infraction; the student's response during and following the new infraction; and the student's progress during the probationary period.

Parents or guardians are informed when undergraduate students are placed on probationary status. Probationary status is informal, unofficial discipline and is not part of the student's official record. Students who are placed on probationary status can answer negatively if they are asked if they have been subject to official discipline while enrolled in any Middlebury school or

program. It is important to note that discipline is cumulative at Middlebury, and further infractions following the successful conclusion of the probationary period may still result in more severe outcomes.

Official Forms of Discipline

Letter of Official Discipline: Students may receive a letter of official discipline when their actions have demonstrated disregard for Middlebury's community standards and policies such that an additional infraction of Middlebury policy will most likely result in suspension from Middlebury. A letter of official discipline is intended to encourage immediate improved behavior and acceptance of responsibility and growth by establishing this incident on the student's permanent record.

Letters of official discipline are a permanent part of the student's official record. Students who receive a letter of official discipline must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Middlebury school or program. Parents or guardians of undergraduate students are informed when students receive a letter of official discipline.

Suspension: Suspension is issued when a student commits a serious policy violation, or repeatedly violates Middlebury policy, thereby demonstrating an inability or unwillingness to behave in a manner consistent with Middlebury's community standards. The behavior is sufficiently egregious that the student is required to leave the Middlebury community for a period of time. It is intended to encourage acceptance of responsibility and growth by establishing this incident on the student's permanent record; to provide the student with an opportunity to consider and address the problematic behavior; and to develop strategies to ensure that the student's eventual return to Middlebury will be successful for the student, for the individuals affected by the student's actions, and for the community.

Suspension may be imposed for any length of time, but is normally imposed for a period no longer than one and one half academic years. In determining the length of suspension, the sanctioning authority will consider the student's prior conduct history; the gravity of the violation and its impact on the community; the needs of the complainant/affected party; and the need for sufficient time for the student to demonstrate that the concerning behavior has been satisfactorily addressed. When the sanctioning authority feels that suspension for one and one half academic years is insufficient to allow for a student's successful return to the community, expulsion will be the normal outcome, barring exceptional circumstances.

Students who are suspended for four weeks or longer who wish to return to or be reinstated at Middlebury must apply for readmission or reinstatement. Undergraduate students seeking readmission to or reinstatement in the undergraduate college must apply through the [Administration Committee](#); all other students must apply through the appropriate supervisory authority of their school or program. All applicants for readmission or reinstatement after suspension must demonstrate readiness to return to Middlebury. Readiness to return is determined by a student's adherence to the terms of the sanction and the deadlines of the readmission process; by the completion of any additional conditions that may have been established at the time of the student's departure; and by the provision of satisfactory evidence

that the problematic behavior will not recur. If a student is unable to demonstrate readiness to return at the stated conclusion of the period of suspension, the Administration Committee or the appropriate supervisory authority may deny readmission or reinstatement until it is satisfied that the conditions that led to the student's departure have been appropriately addressed.

Suspension is a form of official discipline and is a permanent part of the student's record. Students who are suspended must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Middlebury school or program. Students who are suspended must leave campus; are restricted from all Middlebury-owned or rented properties; and are prohibited from participating in all Middlebury activities or programs, from employment by Middlebury, and from using Middlebury facilities during the stated period of the suspension. When suspension prohibits students from completing a semester or program they have already begun, the comprehensive fee for that semester or program is not refunded. Parents or guardians are informed when undergraduate students are suspended. For international students, suspension may affect immigration status; related questions may be directed to the Office of International Student and Scholar Services.

g. Expulsion: For particularly serious offenses, students may be permanently expelled from Middlebury. In cases of expulsion from Middlebury, no refund of the comprehensive fee or other program fee, as applicable, is made. Parents or guardians are informed when undergraduate students are expelled. Expulsion is a form of official discipline and is a permanent part of the student's record. Students who are expelled must answer affirmatively if they are asked whether they have been subject to official discipline while enrolled in any Middlebury school or program.

Fines or restitution commensurate with the nature of the offense may also be assigned. The monetary cost of the harm done may be taken into account in assessment of a fine or an order of restitution. See the Handbook, [Student Life Policies, Fines and Fees](#).

Middlebury may also take other non-disciplinary action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, No Trespass Orders, and other actions to preserve the rights of the complainant and the community to a safe environment). These may also include case-specific requirements for reinstatement or readmission after suspension, including but not limited to evidence from appropriately certified professionals who are aware of the respondent's circumstances and can document satisfactory progress by the respondent on the issues at hand.

As noted in section [10. Investigation \(H\)](#), if the conduct occurred during the course and scope of the student's employment at Middlebury, the matter will be referred jointly to the Human Resources Department and the appropriate supervisory authority for the program at issue, as applicable, for disciplinary sanctions that may include written reprimands, or termination of employment in addition to the disciplinary sanctions and non-disciplinary actions noted above, as deemed appropriate.

Regardless of the finding, non-disciplinary outcomes, such as training, or extending and/or modifying mutual No Contact Orders and/or No Trespass Notices, may be imposed.

Middlebury may provide notice of the matter to the appropriate supervisory authority of any Middlebury program in which the respondent intends to participate, who may consider this information in determining the respondent's admission to the program and/or other program participation parameters, as appropriate. Receipt of sanctions may impact future Middlebury opportunities, including but not limited to employment, leadership position selection, or approval for participation in Study Abroad, Language Schools, MiddCORE, the Middlebury Institute of International Studies, or any other Middlebury program. Notification of a finding of responsibility, sanction, or other action under this policy may also be provided to the home institution of non-Middlebury undergraduate and graduate students or any other program in which the student is enrolled or to which the student is pursuing enrollment.

Prior conduct and judicial history in all Middlebury programs may be taken into account in determining sanctions. Although discipline is cumulative at Middlebury--meaning greater sanctions may be imposed for repeated or accumulated violations--it is not progressive. That is, depending on the severity of the violation or violations, a student may receive any of the sanctions noted above, even for a first offense.

Based on the considerations noted above, Middlebury does not utilize a formula when determining an appropriate sanction for a policy violation or violations. As a result, sanctions will be tailored to the circumstances of a particular case, considering factors such as, but not limited to, the needs of any complainant or affected party, the nature of the misconduct, and the disciplinary history of the respondent

Sexual Assault (includes rape, fondling, incest and statutory rape)

Possible Sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. In cases when a respondent is found responsible for committing sexual assault, suspension or expulsion is the likely outcome. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include but are not limited to evidence of satisfactory progress by the respondent on relevant issues. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent's return will coincide with the complainant's presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

Sexual Exploitation

Possible Sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include but are not limited to evidence of satisfactory progress by the respondent on relevant issues at hand. The conditions of reinstatement or readmission will be

communicated to both parties. If the respondent's return will coincide with the complainant's presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

Domestic or Dating Violence

Possible Sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include but are not limited to evidence of satisfactory progress by the respondent on the issues at hand. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent's return will coincide with the complainant's presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

Domestic or Dating Misconduct

Possible Sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include but are not limited to evidence of satisfactory progress by the respondent on the issues at hand. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent's return will coincide with the complainant's presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

Stalking

Possible Sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include evidence of satisfactory progress by the respondent on the issues at hand. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent's return will coincide with the complainant's presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

Retaliation

Possible Sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or

readmission criteria may include evidence of satisfactory progress by the respondent on the issues at hand. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent's return will coincide with the complainant's presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

Sanctions for Staff

Possible sanctions for a staff member found to have committed sexual assault, sexual exploitation, domestic or dating violence or misconduct, stalking or related retaliation may include written reprimands or termination of employment. Although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, staff members found to have committed sexual assault will most likely receive a sanction of termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to building restrictions, reassignment of work duties, training, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant and the community to a safe environment).

Sanctions for Faculty

As noted in [10. Investigation \(H\)](#), sanctioning for faculty whose primary appointment is with the undergraduate college will follow the procedures for Middlebury College faculty, regardless of the program for which the individual was employed at the time of the incident. Disciplinary actions will be determined and assigned according to the procedures in existing Faculty Handbook policies and/or other contracts or handbooks, as applicable to the faculty member and/or program at issue. Possible disciplinary sanctions may include written reprimands, salary freeze, or termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (including but not limited to remedies applied to the respondent to address the needs of the complainant, including but not limited to building restrictions, reassignment of classes or other work duties, training, modification of No Contact Orders to address the needs of the complainant and/or the community, and other actions to preserve the rights of the complainant and/or the community to a safe environment).

End Notes

Revised September 9, 2019

[1] Under Title IX, third parties who participate in Middlebury's programs or activities are protected from sexual misconduct, domestic violence, dating violence, stalking or related retaliation arising out of those programs or activities. Thus, any third party who participates in any Middlebury program or activity may report a complaint of sexual misconduct, domestic

violence, dating violence, stalking or related retaliation under this policy, as applicable. Also, Middlebury will take appropriate action, to the extent practicable, in response to a report or complaint of sexual misconduct, domestic violence, dating violence, stalking or related retaliation by a student, faculty or staff member against a third party.

[2] Middlebury's Vermont undergraduate campus program includes a confidential resource called MiddSafe; for more information, see <http://www.middlebury.edu/student-life/health-wellness-education-and-safety/education/middsafe>